

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 9th of November 2011)

Hon'ble Mr. Justice B. N. Shukla, Member (J)

Original Application No. 241 of 2007
(U/S 19, Administrative Tribunal Act, 1985)

Ram Lal, S/o Sri Phagu
Resident of Village – Patkhala Pahari,
Post – Pahara, District – Mirzapur.

Advocate for applicant : Shri S. K. Kushwaha.

..... **Applicant**

Versus

1. Union of India
through General Manager, Northern Central Railways,
Allahabad.
2. Divisional Railway Manager, Northern Central Railway Division,
Allahabad.

..... **Respondents**

Advocate for Respondents : Ms. Z. Zamin.

ORDER

This O.A. has been filed by the applicant with a prayer to issue a direction to the respondents to consider the claim of the application for upgrading his salary and increment at par with 30 other persons who were appointed as casual labour along with applicant on 20.8.1974 and for taking appropriate action against the concerned

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clerk who misplaced the casual labour card due to this the applicant was denied the selection grade in the year 1989.

2. It is case of the applicant that his casual labour card was misplaced by the clerk concerned Shri Pyarelal Sinha due to which applicant was denied the selection grade in the year 1989 and thereafter, in the year 1996 all of sudden he was selected as Gangman but the other 30 persons were selected long before in the year 1989 and in the same year other selected persons were given Rs. 15/- while the petitioner was given only Rs. 12/- and thereafter, upgrading of the other 28 person become double while the applicant was denied and suffer loss of increment worth Rs. 24/-.

3. In the counter affidavit filed on behalf of the respondents there is no dispute that the applicant was engaged as casual labour on 20.8.1974 and was given CPC scale by the competent authority on 09.3.1981 but it is alleged that the applicant did not attach casual labour card and on its place a certificate for working as casual labour was attached and in pursuance of record the screening of applicant was done on the post of Gangman on 31.1.1996 and all the benefits were provided to the applicant. In para 9 it is contended that no junior to the applicant was given selection scale and there is no Pyarelal Singh, who is working on the post of clerk as alleged by the applicant. In para 12 and 13 detail of the scale of the applicant has been given and it is mentioned that the applicant was upgraded w.e.f. 01.11.2003 and his salary was increased from Rs. 12/- to 14/- and arrears of Rs. 2/- initially has also been paid. Beside arrears of

difference of non-upgraded and up-graded scales, after approval /verification of Accounts' Department.

4. In rejoinder the same fact has been reiterated as given in OA.

5. Main grievance of the applicant is that he was denied the selection grade in the year 1989 and his juniors were selected in the same year but this fact has been refuted by the respondents in the counter affidavit. Even in the representation made by the applicant to the authorities concerned it is not specifically mentioned that who are the persons given selection grade in the year 1989. There is no dispute that the applicant was selected as Gangman in the year 1989 by the Screening Committee. In the counter affidavit detail has been given in para 10 to 14. Even it is denied that there was Pyare Lal Sinha working as clerk hence, allegation made by the applicant that his casual labour card was lost by the clerk concerned, is not correct. It is also denied that junior to the applicant has been given selection grade and the applicant could not prove otherwise. The applicant was upgraded w.e.f. 01.11.2003 and his pay-scale of Rs. 2610-3540/- (RSRP) was also upgraded to Rs. 2650-4000 (RSRP) and it is mentioned that difference of non-upgraded and upgraded scales have also been given to the applicant. Thus, claim of the applicant as made in the OA is not substantiated and the OA has no force and liable to be dismissed.

6. Accordingly, O. A. is dismissed. No cost.

B.N. Shukla
(Justice B.N.Shukla)
Member (J)

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