

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No. 206 of 1989.

Date of decision : December 18, 1989.

Nilamani Sahoo, s/o Late Daitari Sahoo,
B.T.M.Khalasi, C/o B.R.I., S.E.Railway,
At/P.O./Dist.Cuttack. ...

Applicant.

Versus

1. Union of India, through the General Manager,
S.E.Railway, Garden Reach, Calcutta-43.
2. Divisional Railway Manager,
S.E.Railway, At-Khurda Road, P.O.Jatni,
Dist.Puri.
3. Assistant Engineer, II, S.E.Railway,
Cuttack, At/P.O./Dist.Cuttack.

... Respondents.

For the applicant ... Mr.G.A.R.Dora, Advocate.

For the respondents ... Mr.L.Mohapatra,
Standing Counsel (Railways)

C O R A M:

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? No,
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

(14)

JUDGMENT

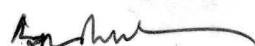
B.R.PATEL, VICE-CHAIRMAN,

In this application the applicant has asked for the revised scale of pay i.e. Rs.950-1500/- as per the recommendation of the 4th Central Pay Commission with effect from 1.1.1986.

2. The facts briefly stated are that the applicant joined the South Eastern Railway as a Khalasi and was confirmed as such with effect from 28.2.1979. The scale of pay given to him at that time was Rs.196-232/-. On 16.4.1981 he was promoted to the post of a Bridge Khalasi which belonged to semi-skilled category. This post carried the pay scale of Rs.210-290/-. There were 63 posts of Bridge Khalasi at that time in that pay scale. All these posts were subsequently upgraded and re-classified as skilled in the scale of pay of Rs.260-400/- with effect from 1.12.1984. The scale of pay of Rs.260-400/- for skilled category has been revised by the 4th Central Pay Commission to Rs.950-1500/- with effect from 1.1.1986.

3. The respondents in their counter have maintained that only the post of Bridge Erector Khalasi carried the pre-revised pay scale of Rs.260-400/- and it is this pay scale which has been revised by the 4th Central Pay Commission to Rs.950-1500/- with effect from 1.1.1986. As the applicant was only a Bridge Khalasi, he is not entitled to this pay scale.

4. We have heard Mr.G.A.R.Dera, learned counsel for the applicant and Mr.L.Mohapatra, learned Standing Counsel for the Railway Administration. On subsequent information obtained from the Railway Administration, Mr.Mohapatra has averred that



the post of Bridge Khalasi and that of Bridge Erection Khalasi is one and the same and the applicant was appointed on ad hoc basis to one of the 63 posts of Bridge Erection Khalasi.

Mr. Mohapatra has further averred that since this is an ad hoc appointment, the applicant is not entitled to the higher revised pay scale. After hearing both Mr. Dera and Mr. Mohapatra at some length and on perusal of the documents and the affidavit filed by the applicant today we have come to the conclusion that the post of Bridge Khalasi is the same as that of the Bridge Erection Khalasi. Moreover, all others who were appointed at the same time as Bridge Erection Khalasi ~~were~~ ^{all} ~~appointed~~ on ad hoc basis ~~and they~~ ^{as} ~~as~~ were given the revised pay scale of Rs.950-1500/- . In view of this adhoc appointment of the applicant is not material. After all he has done the work of Bridge Erection Khalasi and is entitled to the pay attached to the post. We therefore, direct that the applicant should be given the pay scale of Rs.950-1500/- as recommended by the 4th Central Pay Commission with effect from 1.1.1986.

5. This application stands allowed. There is no order as to costs.



N. SENGUPTA, MEMBER (J),

I agree.

Arshad 18/12/89
Vice-Chairman

Abdul 18/12/89
Member (Judicial)

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
December 18, 1989/Sarangi.