

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 107 of 1995

Tuesday, this the 8th day of October, 1996

CORAM

HON'BLE MR P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR A M SIVADAS, JUDICIAL MEMBER

1. P.C. Sayed Mohammed,
Helper for Line Man,
Electrical Sub Unit, Androth,
Union Territory of Lakshadweep.
2. S. Sayed Ismail,
Helper for Line Man,
Electrical Sub Unit, Androth,
Union Territory of Lakshadweep.
3. K.Koya, Helper for Line Man,
Electrical Sub Unit, Androth,
Union Territory of Lakshadweep.
4. T. Sayed Mohammed,
Helper for Line Man,
Electrical Sub Unit, Androth,
Union Territory of Lakshadweep.
5. L. Mohammed Kelam,
Helper for Line Man,
Electrical Sub Unit, Androth,
Union Territory of Lakshadweep.
6. P. Mohammed Karim,
Helper for Line Man,
Electrical Sub Unit, Androth,
Union Territory of Lakshadweep.

.. Applicants

By Advocate Mr Shafik M.A.

Vs

1. Union of India, represented by the
Secretary, Ministry of Home Affairs,
New Delhi.
2. The Administrator, Union Territory
of Lakshadweep, Kavaratti.
3. The Assistant Electrical Engineer,
Department of Electricity,
Union Territory of Lakshadweep,
Kavaratti.

.. Respondents

By Advocate Ms. Beena for Mr MVS Nampoothiri.

The application having been heard on 8th October 1996, the Tribunal on the same day delivered the following:

O R D E R

P V VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants are working as Helper to Lineman in the Electrical Sub Unit, Andrott. They contend that during certain periods the respondents were asking them to perform the duties of Engine Driver-cum-Mechanic-cum-Switch Board Attendant. Their grievance is that for such periods when they were performing the duties of a higher level post, they have not been paid any allowance and they pray that for such periods they should be paid the scale of pay of Engine Driver. It is further submitted that the posts of Helper to Lineman and that of Engine Driver are now brought into the same scale of pay, and therefore, the question of additional remuneration for performing the work as Engine Driver would not arise now.

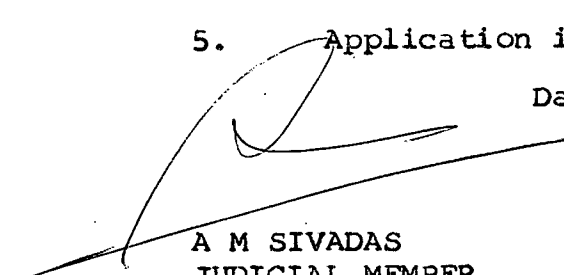
2. Respondents have taken the stand that there are enough number of Engine Drivers/Operators to run the Power House and only when there is a need due to absence of Engine Driver/Operator, the Helper to Lineman was engaged temporarily to do the work. According to respondents, this will help the Helper to Lineman to get equipped for promotion to the post of Engine Driver for which the Helper to Lineman is a feeder category. Respondents have stated that since the applicants are asked to work only for a short period and this is an opportunity to work in a higher post to learn the work in that post, no additional remuneration can be given.

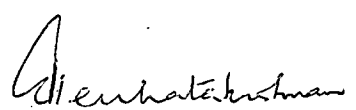
3. The facts stand undisputed. It is admitted that the Helper to Lineman who is a feeder to the category of Engine Driver is asked to perform the duties of an Engine Driver whenever there is shortage of Engine Drivers. During the period in question the post of Engine Driver carried a higher scale of pay and the Helper to Lineman was a feeder category to the post of Engine Driver. As such, the Helper to Lineman was in effect asked to perform the duties attached to the promotional post and therefore, this is to be suitably remunerated. However, from the pleadings we are not able to come to any definite conclusion as to what the rules governing such additional charge are or the quantum of additional remuneration that should be given.

4. Under these circumstances we declare that the applicants are eligible to be remunerated for the additional work performed by them and direct second respondent to consider and fix the quantum of remuneration for performance of such additional duties. Apparently, the claim made by the applicants relates to a long period in the past, and it would not be reasonable to allow such retrospective payments after long lapse of time. We therefore direct that the additional remuneration that may be fixed by the 2nd respondent will be paid to the applicants for performing duties as Engine Drivers only for such periods as come within three years prior to the date of this application, viz. 19.1.1995. This direction shall be implemented by second respondent within four months of today.

5. Application is disposed of as aforesaid. No costs.

Dated the 8th October, 1996.


A M SIVADAS
JUDICIAL MEMBER


P V VENKATAKRISHNAN
ADMINISTRATIVE MEMBER