

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 377/93

Wednesday, this the 2nd day of February, 1994

SHRI N. DHARMADAN, MEMBER (J)
SHRI S.KASIPANDIAN, MEMBER(A)

1. P.Vasanthakumar, Khalasi Helper,
0/o electrical Chargeman, Repair
Depot, SR, Palakkad.
2. S.Sadasivan, -do-
3. K.M.Somanath, -do- .. Applicants

By Advocate Shri P.Santhosh Kumar.

V/s

1. Union of India, rep. by
General Manager,
SR, Madras.
2. The Senior Divnl. Personnel Officer,
SR, Palakkad.
3. The Sr. Divnl. Elect. Engineer,
SR, Palakkad.
4. The Elect. Chargeman,
Repair Depot,
SR, Palakkad. .. Respondents

By Advocate Shri Thomas Mathew Nellimootttil.

ORDER

N. DHARMADAN

Three applicants, who are working as Khalasi helpers in the office of the fourth respondent, have jointly filed this application for a declaration that they are entitled to the salary attached to skilled post by virtue of their working as Electrical Khalasis. They also pray for a direction to grant them the pay scale of skilled worker, Rs.950-1500.

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2. Applicants have stated that they joined the office of the fourth respondent as casual mazdoor, but from 1984 onwards, they were attached to Repair Depot of Electrical Chargeman for doing the job of Khalasi Helper. Ever since 1988 they are doing the duties of Coil Winder, which is a skilled job having the pay scale of Rs.950-1500. Even though the applicants are doing skilled job of Coil Winder, they are being paid lower pay applicable to Khalasi Helper. They have produced certificates, Annexures-I to IV, to establish that they are doing skilled job. They filed representations for getting higher pay. Since the representations were not considered, they filed earlier O.A. 591/91 which was disposed of as per Annexure-VI judgment. Pursuant to Annexure-VI judgment, applicants filed further representation which was disposed of as per the impugned order dated 12.10.92.

3. In the impugned order itself it has been made clear that the applicants have been posted as Khalasi helpers only to assist the Skilled Artizans working in the office of fourth respondent. They are eligible for promotion to the post of Coil Winder. The fact that applicants are discharging duties of Coil Winder ever since 1988 and assisting Skilled Artizans has been admitted; but according to the respondents the applicants are not entitled to higher pay scale without getting selection and appointment as Skilled Artizan.

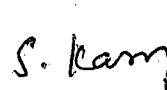
4. The learned counsel for the applicant contended that in the light of the admitted facts that the applicants are discharging the duties of Coil Winder, they are entitled to higher pay scale and also appointment as Coil Winder.

5. The post of Coil Winder is a selection post and only after due selection in accordance with the rules the post will be filled up. Applicants can also appear before the authorities for trade test or selection process and establish their merit for getting selection. Merely because they are discharging the duties of a higher post, they cannot claim the salary of that post as claimed in this application.

6. The only relief that can be granted to the applicants, on the facts and circumstances of the case, is to issue a direction to the respondents to consider applicants for selection to higher post of Coil Winder, whenever such vacancy arises under the fourth respondent in future.

7. Accordingly, having regard to the facts and circumstances of the case, we dispose of the application directing the third and fourth respondents to consider the claim of the applicants for posting as Coil Winder as and when vacancies arise under them.

8. The application is disposed of as above. There will be no order as to costs.



(S.KASIPANDIAN)
MEMBER(A)



(N.DHARMADAN)
MEMBER(J)