

AS
CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 887 of 1991

K.B. Vishwakarma

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant entered the department as Casual literate Khalasi, a class IV and was working as such. It appears that the applicant was required to work on the post of Typist since he started to work as Typist in the department and the department started to take work of Typist from the applicant. The respondents have stated that the sanction of the last ELA expired on 21.12.89 and the sanction for further period being in progress the petitioner's pay was provisionally passed by the Senior Divisional Accounts Officer, Northern Railway, Lucknow upto 2.6.1990. It appears that the applicant was working and he worked as usual. The pay was also passed and the matter of sanction was not finalised and he continued to work on the post of Typist. After four months of working he made representation to the authorities and thereafter he made one after another representations but the payment of salary to him on the post of Typist was made, inspite of repeated requests. Even the Assistant Engineer, under whom he

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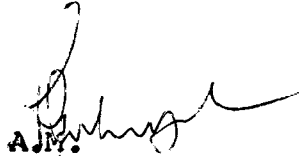
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was working, forwarded the representation of the applicant for necessary action. Letter was again sent by the department on 26.6.90 for consideration of his case, as it had already been delayed and it was followed by the letter dated 7.9.90 of the Assistant Engineer to the department and he has been sending letters after letters that the applicant was working as Typist and was not getting salary of Typist and was still awaiting the sanction from the higher authorities. The department in the year 1991, recommended for sanction of one post of Typist as the work was very heavy and one Typist has already been running against the work charge basis for more than 4 years for which reference has been made by the applicant and the post of Typist was necessary to run the large sub division. The recommendations were pending and even before finalisation of the same, the applicant was screened on 23.8.89 and nothing has been done.

2. Admittedly, the work of the Typist has been taken from the applicant and there appears to be no reason why no salary be paid to him. Accordingly, the respondents are directed to pay salary during the period the applicant worked and let this payment be made within a period of 3 months of the date of receipt of a copy of this order. The respondents are also

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directed to consider the recommendations made by the department for sanction of the post, and in case the sanction is brought, the appointment of the applicant will also be considered giving priority and preference to him over those who have been appointed subsequent to him. No order as to costs.


A.M.


V.C.

Shakeel/-

Lucknow:Dated: 19.10.92.