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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 168 of 1992

Tung Pal Singh Applicant

Versus

Union of India & Others Respondents

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

Hon'ble Mr. K. Obayya, Member (A)

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

The applicant who, was appointed on casual basis and continuously performed the duty of Gang Mate upto 20.3.1992 ever since he was appointed as such i.e. 16.2.88. Prior to the aforesaid appointment, he had worked as casual Mate, but on salary basis with effect from 1.5.1987 upto 30.1.1988 and thereafter from 16.2.1988 upto 19.3.92 as Gang Mate, and he served the Railway for a long period of more than four years. The applicant was asked to hand over the charge to One Sri Manni Lal, Gang Mate on 29.3.1992 and that's why against the reversion order he made the representation against the same, but of no avail and thereafter, has approached the tribunal with the allegations that the work and post is available in the department and the juniors to the applicant as well as similarly situate persons are still working namely Ram Shanker, Painter, Bachcha Lal, Carpenter, but the applicant has been reverted without there being any fault.

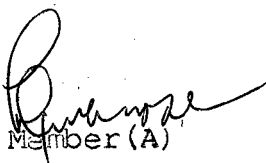
2. The respondents have opposed the application and according to them, the post of Gang Mate Grade Rs. 950-1500/- is a selection post. ^{First} The person is to be regularised as Permanent Gang Man then permanent Gang man is promoted as Senior Gang Man in grade Rs. 800-1150/- and Senior Gang Man is then promoted as Key Man in Grade Rs. 825-1200/-. Thereafter they have to appear for selection to the post of Gang Mate in Grade Rs. 950-1500/- and it


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xx is thereafter qualifying the said selection, they are promoted as Gang Man. The applicant was only a casualised Gang Man, he was never promoted to the post either senior Gang Man or Key Man and accordingly, he never appeared for the selection to the post of Gang Man and as such, he cannot be said to be Gang Mate. The applicant was only asked in writing to handover the charge to Manni Lal, Gangman, it is not at all a reversion order, as the applicants designation and salary is the same even after the said order dated 18.3.1992. There is no similarity between the I.O.W. Staff like painter Carpenter etc. and as such the applicant cannot claim similarity with them. The document filed by the applicant indicates that the applicant was addressed as Mate and there is no denial of the fact that the similarly placed and person are still continued as Mate except only denial is that of course no similarity between the painter, Carpenter with P.W.I. Staff of de-casualised Gang Man. According to the respondents also, the pay-scale is the same ~~and as such~~ and as such the applicant having been designated as Mate the respondents are directed to continue the said designation status and pay-scale ^{of the applicant} as he was before and the act of handing over the charge to the Manni Lal will not be treated to ~~be~~ reversion in any manner. As the applicant has worked for years together, the case of the applicant for regularisation on the post may also be considered till the cases of similarly placed other person shall also be considered. With these observations, the application is disposed of finally. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 29.4.1993

(RKA)