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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
Lucknow this the 3rd day of Feb., 1995.
O.A. No. 204/92

HON. MR. V.K. SETH, MEMBER(A)

HON. MR. D.C. VERMA, MEMBER(J)

P.C. Mandal son of late Sri Satish Chandra
Mandal, working as Binder, M.C. Division,
Geological Survey of India, Northern Region, Lucknow.

Applicant.
By Advocate Shri G.M. Srivastava
versus

1. Union of India through Secretary, Ministry of
Steel and Mines, Shastri Bhawan, New Delhi.

2. Director General Geological Survey of India
4, Chowrangi Lane, Calcutta.

3. The Deputy Director General Geological
Survey of India, Northern Region, Aliganj, Sector
'E', Lucknow.

Respondents.

By Advocate Dr. Dinesh Chandra

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HON. MR. V.K. SETH, MEMBER(A)

By means of this petition, the applicant
prays for directions to the respondents to pay
him difference in salary paid less in regular
scale of pay since 1975 and promote him to the
post of Draftsman in the year 1982 and likewise
to pay the difference of arrears.

2. As per O.A. the applicant was appointed as
Contingent Worker by the G.S.I., Northern Railway
as Map Mounter after being sponsored by the
Employment Exchange, Lucknow. He contends that he
was given a chance to appear for interview to the
post of Map Mounter in 1975 alongwith general
candidates in violation of rules on the subject.

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His case is that since 1.9.1972, he was continuously working without bread as casual Map Mounter and therefore he was entitled to salary in regular scale of pay in accordance with the ^{rules} of the Hon'ble Supreme Court in AIR 1986, page 581, in the case of Sunder Singh and another vs. Engineer-in-Chief C.P.W.D. He further claims that he should have been regularised in service in the year 1975, as he fulfilled the requirement of 240 days service in a year for two consecutive years in terms of instructions of 26.7.1979 forwarded by G.S.I. on 13.11.1979 and also in accordance with ruling of the Hon'ble Supreme Court, as according to ^{Accts} a daily wager who completes 240 days in a calendar year, was entitled to be paid salary in regular scale. Being Scheduled Caste candidate, he also contends that he should have been considered for promotion to the post of Draftsman for the vacancy which existed in 1982.

3. Counter and Rejoinder Affidavits have been exchanged between the parties. We have also given thought to the rival contentions made by the learned counsel during the course of hearing.

4. The respondents have made preliminary objection that the petition was time barred as the cause of grievance initially arose in 1975 in regard to non payment of the regular scale of pay and later in 1982, in regard to non ^{promotion} payment of the applicant as Draftsman. It is also stated by them that the applicant ^{hur} only worked as Map Mounter and further that he was not found suitable for the post of Map Mounter by

the Selection committed ^e ~~met~~ which ~~made~~ in 1975. It is also stated that he was regularised on the post of Binder with effect from 11.4.1986. The respondents in their counter have however, assured that the applicant will be considered for promotion to the post of Map Mounter as per recruitment rules on availability of post. We find force in the preliminary objection of the respondents. The petition filed by the applicant is dated 4th of May, 1992 whereas his grievance relates to 1975 and 198³ and therefore, the petitioner is clearly barred by limitation.

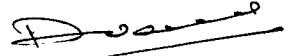
5. As regards the merit, the applicant has enclosed a seniority list of Contingent workers dated 21.9.1979 (R-5) which is titled as Contingent Workers engaged after 2.9.71 to 29.8.75 according to suitability/seniority. In this the applicant has been shown at serial No. 81 as skilled Map Mounter and the date of his continuous engagement has been shown as 1.9.72. His educational qualification has been shown as 9th class. This appears to be the only piece of evidence in favour of the applicant. Even this shows the applicant ^{as} a contingent worker. It is not contested by the applicant that he was not found suitable by the Selection committed ^e in 1975, but only that he was considered by the committed ^e alongwith candidates of general category. The fact remains however, that another candidate of S.C. was selected.

6. Considering the conspectus of the case

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including the aspect of limitation, we do not find any force or merit in the O.A The same is accordingly dismissed.

7. In the facts and circumstances of the case, there shall be no order as to costs.


MEMBER(J)


MEMBER(A)

Lucknow: Dated 3-2-95

Shakeel/