

**Central Administrative Tribunal, Lucknow Bench,  
Lucknow**

**Original Application No. 300/2008**

This the 24/12 day of December, 2009

**Hon'ble Ms. Sadhna Srivastava, Member-J**  
**Hon'ble Dr. A.K. Mishra, Member-A**

Tung Pal Singh, Aged about 51 years, S/o Sri Pratap Singh, R/o Village Dallangpurwa, Post Shuklapur Bhagat, District Hardoi, presently posted as Gangmate Gang no.8, BMU, under Senior Section Engineer (PW), N.R. Safipur, District Unnao, U.P.

.....Applicant

By Advocate: Sri A.K. Dixit.

**Versus**

1. Union of India through the G.M., N.R., Headquarters, Baroda House, New Delhi.
2. D.R.M., N.R., Moradabad.
3. Assistant Divisional Engineer-II, Northern Railway, Hardoi.

.....Respondents

By Advocate: Sri B.B. Tripathi for Sri N.K. Agarwal.

**ORDER**

**By Dr. A.K. Mishra, Member-A**

This application has been made challenging the order dated 29.7.2008 of respondent no.3 in which one Rajendra Prasad has been posted as Mate in gang no.8, BMU, consequent on getting promotion to the post of Mate.

2. At the time of hearing, the learned counsel for the applicant submits that the applicant has been working on the post of Gangmate under the control of Assistant Engineer, N.R., Hardoi since 1.5.1987 till 30.1.1988. He again joined on the post of Gangmate on 16.2.1988. On 19.3.1992, while working as Mate, he was directed by his superior authority to hand over charge to one Sri Munna Lal. Aggrieved by this order, he filed O.A. no. 168 of 1992, which was disposed of on 29.4.1993 with a direction to the respondents to allow the applicant status and designation of Mate and pay-scale which he was getting



prior to order of his reversion. This order was confirmed in the decision of this Tribunal dated 29.2.2000 in Review Application filed by the respondents. Thereafter, the respondents filed Writ petition no. 542 (S/B) of 2000 before Allahabad High Court, Lucknow Bench. The Writ petition is still pending and no interim relief has been granted by the High Court till now. The applicant is continuing with designation of Mate and presently working in gang no.8 BMU under control of Senior Section Engineer (PW), Northern Railway Safipur, Unnao. There is one post of Mate in gang no.8 and present impugned order has been passed for posting of one Rajendra Prasad against that post. This would have the consequence of disturbing the applicant from that post; hence this application.

3. The respondents have submitted that the applicant is working as Gangman and drawing his salary attached to the post of Gangman although the designation of the applicant has been retained as Mate in pursuance of the specific directions of this Tribunal in O.A. no. 168 of 1992. Further, he has been given railway pass as applicable to Mate and in his payslip, his designation is being shown as Mate, although he is getting the salary of Gangman. In other words, the substantive post of the applicant is that of Gangman, although he has been given designation of Mate in accordance with the directions of this Tribunal.

4. In the Rejoinder, the applicant, although he has denied that he is working on the post of Gangman, has admitted that he is not getting the salary meant for the post of Mate.

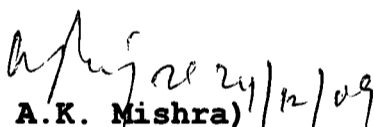
5. The respondents have also submitted that there was no intention on their part to contravene any of the directions issued by this Tribunal earlier. According to them, Sri Rajendra Prasad has been promoted on the post of Mate and accordingly the impugned order has been passed posting him on the vacant post of Mate. This order, in no way, will interfere with the working of the




applicant on the basis of the directions of this Tribunal passed earlier.

6. At the time of hearing, the learned counsel for the applicant conceded that so long his status, designation and nature of work are not changed, he will not have any grievance. It is also conceded by him that the present application is not for a direction to grant the payscale meant for the Mate. His grievance will be fully redressed if an observation is made asking the respondents not to disturb the status and designation of the applicant as Mate even if he receives salary applicable to a Gangman.

7. In the circumstances, this application is disposed of with a direction with the respondents to continue with the arrangement they have made in respect of the applicant in compliance with the directions of this Tribunal in O.A. no. 168 of 1992 confirmed by the order dated 29.2.2000 in Review Application no. 65 of 1993. No costs.

  
(Dr. A.K. Mishra)  
Member-A

  
(Ms. Sadhna Srivastava)  
Member-J

Girish/-