

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 525 of 1991

Mohd. Shateef Khan Applicant

versus

Union of India & others Respondents.

Hon. Mr. Justice U.C. Srivastava, Vice Chairman.

Hon. Mr. V.K. Seth, Administrative Member.

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

The applicant was engaged as Painter against the clear vacancy vide letter dated 3.7.84 on the basis of selection through trade test and later on his work was appreciated. According to the applicant that other casual labours were given the pay scale of Rs 260-400 and he was given the scale of Rs 196-232, after completion of 120 days of continuous working and ^{after} being medically tested, and thus he was discriminated. According to the applicant, as per provisions of Railway Establishment Code and letter dated 11.5.1973 addressed to the General Manager, the applicant is entitled to the pay scale of Rs 260-400 but he was not placed in the said scale of Rs 260-400. Applicant made representations against the said grievance.

2. On coming to know about the notification dated 2/15.11.88, issued by the respondent No. 3, the applicant submitted an application form for decasualaration but he was not called for the same and those who were junior to the applicant were called for participation in the same and were placed in the higher grade.

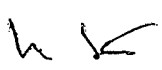
W


3. Applicant's contention is that he has been working on class IV post, though the work has been taken from him but he has not been given the grade and that is why he prayed that he be given the scale of Rs 260-1400 (Revised to Rs 950-1500) from the date of initial recruitment

4. The respondents have opposed the application and stated that the persons who had passed the trade test were given the scale of Rs 260-400 and the petitioner did not pass the requisite trade test.

5. From the facts it appears that the applicant was engaged from the year 1976 and he was appointed as Painter on casual basis. There appears to be no reason why his case could not have been considered and in case he was covered by the Railway Board circular and he is also entitled to the higher grade w.e.f.

1.1.84 and in case the applicant escaped the attention of the respondents, and his suitability is concerned, the same may be considered and the suitability test is to be conducted and in case he is succeeded, he may be regularised. It is also to be considered as to whether he is entitled to the benefit of the Railway Board Circular referred to above. Let this be done within a period of three months. Application is disposed of as above. No order as to costs.


Adm. Member.


Vice Chairman.

Lucknow: Dated:
Shakeel/-