

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

6

O.A. NO: 327/89

199

T.A. NO:

DATE OF DECISION 15-6-1992

Vishnu Narhar Gorhe Petitioner

None for the applicant Advocate for the Petitioners

Versus

Dvil. Railway Manager, CR, Bombay VT Respondent

Mr. P.R. Pai Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice-Chairman

The Hon'ble Mr. M.Y. Priolkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

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S.K.DHAON
(S.K.DHAON)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.327/89

Vishnu Narhar Gorhe,
482, Shanivar Peth,
Pune - 411 030.

.. Applicant

vs.

1. Divisional Railway Manager,
Central Railway,
Bombay V.T.
2. Electrical Foreman TL & A/C
Central Railway, Pune. .. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar,
Member(A)

Appearances:

1. None for the
Applicant.
2. Mr.P.R.Pai
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 15-6-1992
(Per S.K.Dhaon, Vice-Chairman)

The applicant is an Electrician.

He has come to this Tribunal with a grievance
that he is not being paid the benefit of letter
No.PCIII/79/JCM/DC/15 dt. 1.4.84 send by the
Railway Board. By this letter the Railway Board
sanctioned Special Pay of Rs.35/-PM to such of
the Train lighting Mistris who are either in
independent charge of gangs or are supervising
highly skilled workers.

2. The crucial question of the fact to be
decided in this application is firstly, whether
an Electrician can be treated to be a Mistry and
if this answer is in the affirmative whether
the applicant was at the relevant time and is
^{even} ~~being~~ now supervising highly skilled workers.

The averments made by the applicant are these:
The grade of Electricians and the Mistry are
same (Rs.385-560 pre revised). The duties of

Electricians and Mistry are the same. Like the Mistry, the Electricians too are taking the attendance of staff under their control and distribute the duties to the staff under their control. The Electricians are required to take independent decisions and they do so. The Mistry who is working in maintenance department, Signal and Telecommunication and Inspector of works department are being paid the said Special Pay in other zones viz. Northern, Southern and Western and other divisions viz. Jabalpur, Jhansi Nagpur, Bhusaval. The Electrician does the job of Mistry. The Northern Railway, one of the counter parts of the Indian Railway, has implemented the Railway Board's decision in the aforesaid letter dt. 1.4.84 with effect from 1.5.1984. In pursuance of the said order the GM(Northern Railway) advised its subordinate authorities to take immediate steps to ensure early payment of Special Pay of Rs.35/- to the concerned staff members. The fact that the post of Mistry and the post of Electrician is of the same cadre is exemplified by the fact that one Shri B.S.Oval, who is working as Mistry in Kurudwadi shop have been transferred to open line and has been designated as Electrician. The posts of Electricians and Mistris are similar and the Electrician(Solapur Division) is also designated "Bijali Mistry"-Solapur Division.

3. A reply has been filed on behalf of the respondents. The detailed averments in the said reply are these: The grades in pre-revised scale of Electrician and Mistry were the same. Since the post of Mistry is not available in Train Lighting Cadre and duty list of Train

Lighting Mistry is not available on Bombay Division, the duty list is called from other divisions for study and verification and till then the duties mentioned in paras 4 of the application are denied.

There is no record on the Bombay Division to show the position of other zones as such the same are called for study and verification. In general, the averments made in the application has been denied. However, it is significant to note that the reply given to the specific averments made in paragraphs 4(a) to (j) are rather evasive. On the other hand, in paragraph 8 of the reply the duties of the electrician are enumerated. They are 11 in number. The 3rd duty as mentioned in the reply is that all Electricians are required to maintain electrical equipment and fittings on the rakes under his charge in good and tidy condition with the help of the artisans and unskilled staff. The other duty which is mentioned next after is that an Electrician is required to check the diaries of artisan staff every day and fill in the reception, maintenance and/or despatch diaries. Then in duty no.7 it is mentioned that an electrician should supervise the work of unskilled staff and Artisans in all grades.

4. After careful reading of the averments made in the application and reply ~~xxxix thereto~~ ~~xxxviii thereto~~ and after giving a thoughtful consideration, there can be no difficulty in taking the view that there is hardly any distinction between an Electrician and Mistry for the purpose of application of the above mentioned Railway Board's letter. We are also satisfied that the applicant, in his capacity as an Electrician, is supervising highly skilled workers. The net result is that the

(10)

applicant should be treated as Mistry and it should also be held that he is supervising highly skilled workers. It follows that the applicant is entitled to special pay of Rs.35/- p.m. as envisaged in the aforesaid letter of Railway Board.

5. The application is allowed.

We direct the respondents to give to the applicant the benefit of Railway Board's letter dtd. 1.4.84 with effect from 1.5.84. The amount shall be computed and the payment to the applicant be made within four months from the date of receipt of a copy of this order.

M.Y.PRIOLKAR
Member(A)

S.K.DHAON
Vice-Chairman

MD