

28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 943/1996

DATED : 31.8.1998

Between :

Mohd. Ghouse

... Applicant

AND

1. The Executive Engineer (Electrical)

C.P.W.D.

Central Electrical Division - II

Sultan Bazar

Hyderabad.

... Respondent

Counsel for the Applicant - Shri Kalyan Rao Joshi

Counsel for the Respondent - Shri V. Bhimanna

Ceram :

The Hon'ble Justice Shri D.H. Nasir
The Hon'ble Shri H. Rajendra Prasad

- Vice Chairman
- Member (A)

(Order per Hon'ble Shri H. Rajendra Prasad, Member (A))

Heard Shri Kalyan Rao Joshi for the Applicant and
Shri V. Bhimanna, Learned Standing Counsel for the
Respondents.

The Applicant, while functioning as Khalasi under
R-1, claims to have carried out the duties of a Life-
Operator in the Hyderabad Airport building, then under
construction, between August, 1980 upto 30th June, 1990,
on which date the building was formally handed over on
its completion to the National Airports Authority of India.
The document on which the Applicant relies heavily is
a Service Certificate granted by the A.E. (Electr.),
Central Electrical Sub-Division, No. 7 C.P.W.D., Hyderabad
(Annexure IV). The claim of the Applicant is that

he was required to perform the duties of a Lift-Operator, a post which carries higher pay than that of a Khalasi, and since he was not compensated suitably in any other way, he is entitled to the minimum payment of a Lift-Operator for the duties performed by him during this period.

The Respondents do not deny that the Applicant was asked to perform the duties of a Lift-Operator. All that they say is that he was employed on such duties only occasionally and also that it was done merely in order to give him an opportunity to get trained for a higher post in the Department. We have no dispute with these statements and do not discount the same. The ^{fact,} nevertheless, remains that he was indeed asked to perform such duties and that he duly performed them. As to whether he performed such duties on a continuing basis throughout the period, or intermittently as claimed by the Respondent, or whether he did so only for training purposes or as a part of his assigned duty, can be verified only by the relevant documents in the possession of the authorities.

It is, therefore, directed that the Respondent shall have the following necessary action taken :

- (1) Establish the basic fact of the performance, or non-performance, of Lift-Operator duties by the Applicant during the relevant period with the aid of authentic and verifiable documents in their possession;
- (2) Pay the difference between the minimum of the pay-scale of a Lift-Operator and the maximum wages of a Khalasi disbursed to him during the period 1st August, 1982 to 30th June, 1990, if their scrutiny of the relevant documents establishes the correctness of the Applicant's claims in this regard. In case no documents can be located for such verification, the certificate produced by the Applicant at Annexure VII has to be accepted as the basis for a settlement.

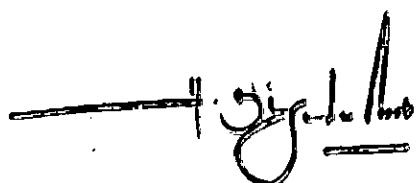
It is further directed that the relief so provided shall commence from August, 1982, because any cause of action that may have arisen prior to that date is beyond the

jurisdiction of this Tribunal.

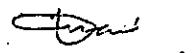
30

Time for compliance is 31st October, 1998, at the latest.

O.A. is disposed of. No costs.



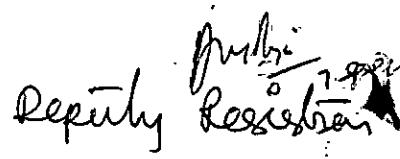
(H. Rajendra Prasad)
Member (A)



(D.H. Nasir)
Vice Chairman

DICTATED IN OPEN COURT

DATED : 31.8.1998



Deputy Registrar

...js/-

O.A.943/96

To

1. The Executive Engineer(Electrical)
C.P.W.D. Central Electrical Division.II
Sultan Bazar, Hyderabad.
2. One copy to Mr.Kalyan Rao Joshi, Advocate, CAT.Hyd.
3. One copy to Mr.V.Bhimanna, Addl.CGSC CAT.Hyd.
4. One copy to Mr. HHRP.M.(A) CAT.Hyd.
5. One copy to DR(A) CAT.Hyd.
6. One spare copy.

pvm.

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE D.H.NASIR:
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

DATED: 31-8-1998.

ORDER/JUDGMENT

M.A/R.A./C.A.NO.

in

O.A.NO.

943/96

T.A.NO.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण / DESPATCH

11 SEP 1998

हైదరాబాద్ భాషపీఠ
HYDERABAD BENCH