

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 194/94

Date of Decision: 01.2.95.

GOPI SINGH

... Applicants.

V/s.

UNION OF INDIA & ANR.

... Respondents.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... NONE.

For the Respondents ... SHRI V.S. GURJAR.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant Gopi Singh, in this application u/s 19 of the Administrative Tribunals Act, 1985, has claimed a direction to the respondents to pay the salary of the post of Lower Division Clerk to him since 3.4.86 ^{i.e.} from the date of his performing duties of a Clerk. He has also claimed regularisation/appointment on the post of LDC.

2. None is present for the applicant. We have heard the learned counsel for the respondents and have carefully considered the records.

3. The contentions of the applicant are that he was initially appointed as a Peon by the D.E.T. Bharatpur by an order dated 31.1.81. The Sub Divisional Officer (Telephones), Bharatpur, assigned the duties of Receipt and Despatch Clerk to the applicant by a verbal order from 3.4.86 and the applicant has been discharging these duties since then. The applicant had passed the Secondary Examination from the Rajasthan Board in 1972 prior to his joining the department. He claims the salary of the post of Clerk on the principle of equal pay for equal work and regularisation in the post of Clerk on the basis of his having served as a Clerk for about 8 years.

4. On the contrary, the respondents contend that the applicant was recruited as Peon and he is still continuing as a Peon and the pay of the post of Peon is, therefore, being paid to him. It is also specifically stated that the applicant was never assigned the duties of Receipt and Despatch Clerk at any point of

time and he is merely discharging the duties attached to the post of a Peon. There is no documentary proof in support of the applicant's contention that he was assigned the duties of a Clerk or that the work of a Clerk was taken from him by the respondents, apart from what he himself had written to the respondents vide Annexures A-2 and A-3. In the absence of any cogent proof of his working as a Clerk, we are not inclined to accept the applicant's contention that he was assigned the duties of a Clerk and he was made to perform such duties w.e.f. 3.4.86. The applicant has no case for regularisation in the post of Clerk.

5. In view of what has been stated above, we find this application to be devoid of merits and the same is hereby dismissed with no order as to costs.

(C.P. SHARMA)
MEMBER (A)

C. Krishna
(GOPAL KRISHNA)
MEMBER (J).