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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.500/96

Date of order: 24.6.1999

Keshar Singh, S/o Pita Singh, Mate C/o PWI(C)
Jaipur under the Western Railway, Malgodam,
Jaipur, aged about 39 years, resident of Jaipur.

...Applicant.

Versus

1. The Union of India, through the General Manager, Western Railway, Church Gate, Bombay.
2. The Chief Engineer (S&C), Western Railway, Jaipur.
3. The Divisional Railway Manaaer, Western Railway, Jaipur.
4. The Permanent Way Inspector (C), Western Railway, Malgodam, Jaipur.

...Respondents.

None Present for the applicant.

Mr.Manish Bhandari - Counsel for respondents.

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr.N.P.Nawani, Administrative Member.

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Keshar Singh, in this application has sought a direction to the respondents to grant him the pay of the post of Mate for the period he worked as Mate as also for a direction to absorb him as a regular Mate from the date he has been working as Mate and grant all consequential benefits.

2. None is present on behalf of the applicant. Since Mr. R.C.Gaur, counsel for the applicant had expired, notice was issued to the applicant informing him about the death of his counsel and the date ^{fixed} for hearing in this O.A but the applicant has not turned-up today.

CK/br


...2.

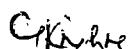
3. We have heard the learned counsel for the respondents and have carefully perused the records.

4. It has been averred by the applicant that work of the Mate has been taken from him for the last more than 13 years but the pay of the post was denied to him. It is pleaded by the applicant that his services should be regularised on the post of Mate after taking the work of Mate from him for about 13 years. The applicant produced Annexure-A1 and Annexure-A2 to prove that he has served as Mate from 22.7.1983 to 13.2.1985, from 18.2.1985 to 25.4.1985, from 5.6.1985 to 10.9.1985 and from 15.10.1985 to 28.8.1986.

5. It is stated by the respondents in the reply that the Service Card was issued by the Rajkot Division of the Western Railway and this fact has not been controverted by the applicant by way of filing a rejoinder. The contention of the respondents is that after the transfer of the applicant in the Construction wing at Jaipur in the year 1986, he has through/out been working as Gangman/Khallasi on which post temporary status has also been granted to him vide order dated 3.7.1987 as mentioned in Annexure-R1. There is ample evidence on the record to show that after the transfer of the applicant in the Construction Wing at Jaipur, he has been working as Gangman and not as Mate and as such he is not entitled to be absorbed on the post of Mate.

6. In the circumstances, we find no merit in this application. The application is, therefore, dismissed with no order as to costs.


(N.P. Nawani)
Member (A).


(Gopal Krishna)
Vice Chairman.