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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 11/12/2007

QA 305/97

Lalita Prasad Sharma, Group-D employee (Typist) in the
O/o General Manager Telecommunication District, Jaipur.

... Applicant

v/s.

1. Union of India through Secretary, Ministry of
Communication, Deptt. of Telecom, New Delhi.
2. Chief General Manager, Telecommunication, Rajasthan
Circle, Jaipur.
3. General Manager, Telecom District, Jaipur.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.A.L.Verma

For the Respondents

... Mr.S.S.Hasan

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

Applicant in this QA has sought the following
directions :-

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- a) That the respondents be directed to allow and
pay the applicant salary and other allowances and
other service conditions equal to the regularly

employed typist, from the date he joined as daily rated employee under the respondents i.e. 17.5.78.

- b) That the respondents be directed to ~~xxxxx~~ regularise the services of the applicant on the post of typist from 17.5.78 and the period from 17.5.78 to the date of regularisation be counted for pension and other service benefits.

2. Heard the learned counsel for the parties and perused the records.

3. The applicant was engaged as a casual labour on 17.5.78 and has been regularised as a Group-D employee w.e.f. 31.7.89. He claimed that during this entire period and even later his services have been utilised only as a typist primarily by the Rajbhasha Cell of the respondent department at Jaipur. He submits that there was a sanctioned post of typist and he had been discharging all his duties as a typist throughout his period of service. The applicant made a representation to the respondents (Annexure A/1) requesting therein that since he was being utilised as a typist, he is entitled to payment of the salary of typist on the principles of

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equal pay for equal work. It is ~~xxxxxx~~ further submitted that the applicant's services had all alone being utilised only as a typist. He has produced some endorsements made by certain officers of the respondent department, whereby work of the applicant as a typist has been appreciated. At Annexure A/17, filed with the rejoinder on behalf of the applicant, there is one such endorsement recommending considering the request of the applicant to appoint him on the post of typist. Annexure A/13 also contains the recommendations of the Hindi Officer to the effect that the applicant could be posted as a typist in the Hindi Section, as he possesses the necessary proficiency.

4. In the reply the learned counsel for the respondents has stated that at no stage the applicant was officially asked to work as a typist. ~~xxxxxx~~ He was engaged initially only as a casual labour and he was regularised in Group-D on 31.7.89. He further submitted that the applicant is already working as a Phone Mechanic in Group-C scale. The respondents submit that the

applicant himself has shown keenness to practice on the typewriter, ~~at~~ of his own accord, to gain some proficiency. There was no post of typist sanctioned in the department and the Clerks of the Department of Telecommunication during the course of their training are given training in Hindi and English typing also as they have to do their typing work themselves. There is no separate post of Hindi typist in the Ranbhasha Cell of the Telecommunication Department. The applicant has no case as not only that he never made any representation earlier but also that the claim can arise only if he is posted as a typist after a due process of recruitment or selection.

5. We have carefully perused the records and the other documents brought on record by the applicant alongwith his OA and the rejoinder. He has placed on a record a certificate from the Directorate of Education about his proficiency in Hindi typewriting. He has claimed to have represented to the department in 1988,

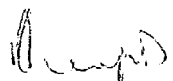
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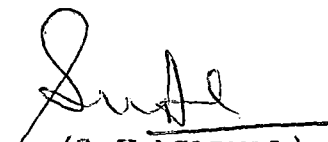
in 1993 and again in 1995. Annexure A/1 is the representation dated 19.10.95, which does not give any indication of his ^{having} made any representation earlier. In fact, the very first paragraph of the representation suggests that it is for the ~~xx~~ first time he has represented his case for being considered for the post of Typist. The only supporting evidence to establish his claim is ~~xxxx~~ the recommendations made by certain officers about his proficiency in typing and the comments on the quality of his work. Such recommendations or appreciation of the work do not provide adequate ground to ~~xx~~ establish the claim of the applicant that his services were utilised continuously as a typist. Typist ~~xx~~ is a post in Group-C scale which is filled up after following a due process of recruitment. The applicant was only engaged as a casual labour in Group-D. He cannot make any claim of parity not only with Group-C/^{employees}~~xxxxxx~~ but even with Group-D regular employees so long as he is a casual labour. His own representation, at Ann.A/1, is a request made by the applicant to consider him

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for the post of typist. Even though the respondents denied having received such a representation, but such a representation by itself cannot give rise to any claim. Further, the fact^{is} that the applicant ~~is now~~ is now working as a Phone Mechanic in Group-C scale, which post he has accepted, and he cannot put forth his claim as a matter of right to the post of typist, which is totally a different category.

6. In view of the facts and circumstances of the case, we find no merit in the claim of the applicant. The QA is, therefore, dismissed with no order as to costs. However, the department is expected to examine the case of the applicant sympathetically and if the department has used the services of the applicant as a whole time typist, he may be paid the salary of the post of typist for the period he was so used.


(A.P. NAGRATH)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)