

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 281 of 2003

Jabalpur, this the 30th day of July, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Jageshwar Prasad, S/o. Shri
Parmai Lal, aged about 41 years,
R/o. N.K.J. Bajrang Colony,
Distt. Katni (M.P.) .

... Applicant

(By Advocate - None)

V e r s u s

a. The Union of India,
through : The Secretary,
Dept. of Railway, New Delhi.

b. The General Manager,
Central Railway, Mumbai-CST.

c. The Divisional Railway Manager
(P), Central Railway,
Jabalpur (MP) .

... Respondents

(By Advocate - Shri H.B. Shrivastava)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

None for the applicant. Since it is an old case of 2003, we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents and perused the records carefully.

2. By filing this Original Application the applicant has claimed the following main reliefs :

"ii) direct the respondents to decasualise the applicant in the pay scale of Rs. 950-1500/- from the same date of was decasualisation to similarly situated person,

iii) Direct the respondent to provide all consequential benefit arising out of pay scale of Rs. 950-1500/-."

[Signature]

3. The brief facts of the case are that the applicant was appointed as a Casual Labour in the year 1979. He further stated that he was working as a Carpenter but actually he was posted as a Khalasi at Sihora(P.W.I.). According to him he has been working as Carpenter from 3rd August, 1981. On 3rd January, 1982 the applicant became monthly rated casual labour. According to him, trade test was conducted as per the provisions of IREM and he was qualified in the same. He has submitted that in a similar situation certain employees have filed Original Applications Nos. 870/1997, 871/1997 and 906/1997 which were allowed by the Tribunal vide common order dated 7.3.2002 directing the respondents " to decasualise the applicants in the pay scale of Rs.950-1500/- subject to availability of the vacancies/posts and as per their seniority. In that event they shall be entitled to all the consequential benefits". Since the respondents have not granted him the scale of pay of Rs.950-1500/- he has filed this OA.

4. The respondents in their reply have stated that the applicant, after his regular appointment as Gangman in the grade of Rs.200-250/- w.e.f. 6.7.1985, continued to work as such in the same grade as Gangman. His pay in the revised pay scale of Rs. 775-1025/- was fixed at Rs.799/- with effect from 1.1.1986 as per recommendations of IVth Pay Commission and further advanced to Rs. 829/- ~~with~~ effect from 1.7.1987. The applicant took transfer on his own accord in the same capacity as Gangman to new Katni Junction and relieved from Sihora Road from 18.11.1987. He continued to work as Gangman in the grade of Rs.775-1025 till 1.1.1992. While working as such he took reversion to the lower grade of Khalasi Rs.750-940/-. According to the learned counsel for the respondents the applicant was working only in the post

[Signature]

Khaiasi Gr. Rs. 196-232/2550-3200/- i.e. a Group-D post and was never selected or appointed for the post of Carpenter which is in the scale of Rs. 950-1500/-.

5. We have given careful consideration to the rival contentions and we find that the applicant was initially appointed as Gangman. We have seen from the application form filed by the respondents in their reply, wherein it shows that the applicant was initially appointed as Gangman (Grade) ^{in Th} ~~in Th~~ Rs. 200-250/- ^{enclosed/}. The document dated 26.4.1985/ with Annexure R-2 clearly shows that the applicant was appointed on a Group-D post. It is not in dispute that the post of Gangman is a Group-D post and the pay scale of which is Rs. 775-1025/- pay. The ^{pay} scale of Rs. 950-1500/- of the Carpenter, as demanded by the applicant is of a Group-C post and is given to the holder of a Group-C post. The applicant was never holding or was never appointed to a Group-C post. He has failed to establish that he was appointed in a Group-C post in the pay scale of Rs. 950-1500/-.

6. Hence, the Original Application is bereft of any merit and is accordingly dismissed. No costs.

(Madan Mohan)
Judicial Member

W.M.S.
(M.P. Singh)
Vice Chairman

"SA"

पृष्ठांकन सं. ओ/न्या..... जबलपुर, दि.....

प्र. तितिपि २५ वरे धितः -

(1) रायद्व. उच्च न्यायालय दारा [रायद्व. न्यायालय, जबलपुर

(2) अपेक्षा श्री/श्रीमती/दृष्टि के काउन्सिल P. Chauthani

(3) प्रस्त्रकानी श्री/श्रीमती/दृष्टि के काउन्सिल

(4) क्षेत्रसभा, देंपाल, जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यवाही हेतु

N.B. Shrivastava

न्यायिक संस्थाएँ

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