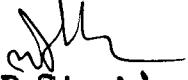


**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP : INDORE**

Pre-delivery order in OA 1070/2000 is sent herewith
for consideration pl.


(M.P.Singh)
Vice Chairman
12.11.2003

Hon'ble Shri G.Shanthappa, JM-

Thanks, I agree



CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT CAMP : INDORE

Original Application No.1070 of 2000

Indore, this the 12th day of November, 2003

Hon'ble Shri M.P.Singh - Vice Chairman
Hon'ble Shri G.Shanthappa - Judicial Member

1. Tapiiram S/o Ramgopal, Gangman,
Chief Permanent Way Inspector (N), Ratlam.
2. Babu Lal S/o Muni Ram, Gangman,
Chief Permanent Way Inspector (N), Ratlam.
3. Sripati S/o Jadu, Gangman,
Chief Permanent Way Inspector, Nimach - APPLICANTS

(By Advocate - Shri S.L.Vishwakarma)

Versus

1. Union of India thr. General Manager,
Western Railway, Churchgate, Mumbai.
2. Divisional Rly. Manager, Western Railway,
Do-Batti, Ratlam - RESPONDENTS

(By Advocate - Shri Y.I.Mehta, Sr. Advocate assisted by
Shri H.Y.Mehta)

O R D E R

By M.P.Singh, Vice Chairman -

The applicants, 3 in number, have filed this Original Application praying for a direction to the respondents to absorb the applicants as Mate Group-C in the pay scale of Rs.950-1500 from the date they have been absorbed in Group-D as Gangman, and have sought a further direction to the respondents to make payment of arrears of pay after granting the increments as Mate with all consequential benefits.

2. The brief facts of the case are that the applicants who were initially appointed as Casual Labourers in the Western Railway, later on, transferred to the open line in Ratlam Division and thereafter they have been posted as Gangmen. It is alleged by the applicants that they were appointed in the grade of Mate Class-III in the pay scale of Rs.950-1500 and were regularly getting increments in this pay scale while

working at Ratlam division. Now they have been reverted as Gangmen in the scale of Rs.775-1025 on being declared surplus and their pay has been reduced. Hence, they have filed this Original Application.

3. Heard both the learned counsel for the parties and carefully perused the pleadings available on record.

4. The learned counsel for the applicants submitted that the applicants who were recruited as Mate in the pay scale of Rs.950-1500 in Group-C had worked as such for 12 years. Their reversion to Group-D post as Gangmen in the lower scale of pay of Rs.775-1025 is against all canons of justice. According to him, the applicants are entitled for absorption in Group-C category in the scale of Rs.950-1500 in which category they have worked for about 12 years. He has further submitted that similarly situated persons have been appointed as Mate in Kota Division of Western Railway (Annexure-A-6). The applicants who were recruited as Mate, at Viramgam Okha Project and they were transferred to Ratlam Division in 1984 on completion of the project. He has also drawn our attention to Annexure-R-1 and stated that as per the service sheet, the applicants were appointed as Mate with effect from 1984. He further submitted that this service sheet has been prepared by the respondents themselves. Therefore, in view of this fact the applicants cannot be reverted to the post of Gangmen who had already worked in the post of Mate for number of years.

5. On the other hand the learned counsel for the respondents stated that the applicants were initially engaged as casual labourer in Viramgam Okha Project. On completion of the project they were retrenched as per rules and law. Thereafter, they were casually engaged further on temporary basis. They were regularised in the pay scale of Rs.775-1025 with effect from 21.7.1992, 21.7.92 and 1.12.1991 respectively. However, the Supervisor/Unit Incharge without any order of the competent authority treated the applicants as Jamadar (PW Mate)

and unauthorisedly prepared the salary sheets as per Annexure-A-2. This was objected by the Accounts Department as it was not supported by any legal order of the competent authority and the proceedings for recovery/adjustment of excess payment was made. It is further submitted that the applicants were not recruited or transferred to open line as Mate in the grade of Rs.950-1500. According to him all statements made contrary to the facts are false. According to him no order has been produced by the applicants appointing them in Ratlam Division as Mate Class-III which clearly shows that the applicants wants to rely on an unauthorised act of Unit incharge.

6. We have carefully considered the pleadings. We do not find any order in the pleadings by which the applicants were appointed to the post of Mate in the scale of Rs.950-1500 in the open line in Ratlam Division. On our specific query to the learned counsel for the applicants, he was not able to answer this. Nor he was able to produce a copy of the order issued by the respondent-authorities appointing the applicants to the post of Mate in the scale of Rs.950-1500 in the open line. It is, therefore, clear that the applicants have been paid the pay scale of Rs.950-1500 as Mate by mistake by the Unit Incharge as stated by the respondents. This mistake has been pointed out by the audit authorities and rectified by the respondents. We, therefore, do not find that the respondents have committed any irregularities.

5. Accordingly this OA being devoid of merits is dismissed, however, without any order as to costs.


(G. Shanthappa)
Judicial Member

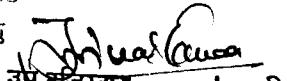

(M.P. Singh)
Vice Chairman

rkv.

प्रांतिकन सं. ओ/न्या.....जबलपुर, दि.....
प्रांतिकनिधि दरबे तित्ता:-

- (1) राजिना, काम विभाग दारा नं. 1000, जबलपुर
- (2) राजिना, विभाग दारा नं. 1000, जबलपुर
- (3) राजिना, विभाग दारा नं. 1000, के जगत्सल 41 Melma, Ahr.
- (4) राजिना, विभाग दारा नं. 1000, के जगत्सल 41 Melma, Ahr.

सूचना एवं अधिकार कार्यालय है


जप. अधिकारी 17.11.03

cc (sgd)
at Indore