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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1583/2001

This the 23rd day of May, 2002.

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Navrang Lal S/O Ram Sewak,
working under Deputy Chief Engineer (Const),
Northern Railway, Tilak Bridge,
New Delhi-110001.

... Applicant

(By Shri K.K.Patel, Advocate)

-versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.
2. Chief Administrative Officer,
Northern Railway, Hqrs. Office,
Kashmere Gate,
Delhi-110006.
3. Divisional Railway Manager,
Northern Railway,
Bikaner (Rajasthan).
4. Deputy Chief Engineer (Const),
Northern Railway, Tilak Bridge,
New Delhi-110001.

... Respondents

(By Shri R.P.Aggarwal, Advocate)

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

Applicant has challenged order Annexure P-1 dated 23.6.2001 whereby applicant who was working as ad hoc mate was transferred to his parent Division with immediate effect in his substantive post.

2. Learned counsel of applicant stated that applicant was initially appointed as casual mate in scale Rs.210-270 on 11.1.1977. He was accorded temporary status as mate in scale Rs.950-1500 on 5.7.1984. On

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qualifying in the screening test, he was absorbed in Group 'D' as gangman in 1997 with lien under Assistant Engineer, Northern Railway, Hanumangarh, as per Annexure R-4 dated 24.4.1997. Learned counsel stated that applicant belongs to skilled category of mate right from the beginning. He placed reliance on the ratio laid down by the Hon'ble Supreme Court in Union of India & Anr. v. Moti Lal & Ors., (1996) 33 ATC 304. Learned counsel also relied on the provisions of Paragraph 2007 of the Indian Railway Establishment Manual (IREM) Volume-II stating that he can straightway be absorbed in regular vacancy in skilled grade having been engaged as casual labour in work-charged establishment for a long time and as belonging to the skilled category. Paragraph 2007(3) provides that "casual labour engaged in work-charged establishment for a long period can straightway be absorbed in regular vacancies in skilled grades provided they have passed the requisite trade test, to the extent of 25% of the vacancies reserved for departmental promotion from the unskilled and semi-skilled categories. Such orders also apply to the casual labour recruited directly in the skilled categories in work-charged establishments after qualifying in the trade test". Learned counsel stated that as applicant had already cleared the screening and had been working in the skilled grade for a long time, he could be absorbed in regular vacancy in skilled grade without any further conditions. Learned counsel of applicant further relied on V.M.Chandra v. Union of India, 1999 (4) SLR 332 contending that having been engaged as mate for a long time and being fully qualified for absorption, he should

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be absorbed as skilled artisan in Grade-III against available posts in respect of direct recruitment quota.

3. Learned counsel of respondents drew our attention to PS-8203 dated 13.11.1982 (Annexure R-5) which relates to re-classification of artisan staff in the Railways-relief to semi-skilled and unskilled artisan staff. Vide this Railway Board letter, among others, trades which were designated as semi-skilled were re-classified as skilled as per the attached lists 1 and 2. Learned counsel pointed out that the category of Beldar on which applicant has been working is not included among the skilled/semi-skilled category as per classification of artisan staff. The learned counsel further stated that applicant had been screened as gangman vide letter dated 31.3.1997 and his name was placed in the panel at sl. no.18 (Annexure R-3) and his lien was fixed under Assistant Engineer/Northern Railway/Hanumangarh vide Annexure R-4 dated 24.4.1997. Due to reduction of project work in construction organisation and non-availability of work and work-charged posts in the construction organisation, applicant, among others, was declared surplus and directed to his parent division. Learned counsel relied on **Aslam Khan v. Union of India**, 2001 (2) ATJ 1 which is a Full Bench decision of the Tribunal, in which Supreme Court's decision in the matter of **Moti Lal (supra)** and instructions contained in paragraph 2007 IREM, and Railway Board's circular of 9.4.1997 were also considered and it was held, "A person directly engaged on Group-C post (Promotional) on casual basis and has been subsequently granted temporary status



would not be entitled to be regularised on Group-C post directly but would be liable to be regularised in the feeder cadre in Group-D post only. His pay which he drew in the Group-C post, will however be liable to be protected." Learned counsel stated that applicant having been regularised in Group-D post will get his promotion to Group-C on the basis of his seniority in Group-D.

4. In view of the fact that the post of mate held by applicant is not a skilled/semi-skilled post as per classification of artisan staff in terms of PS-8203 (Annexure R-5), and as the ratio in the matter of Aslam Khan (supra) in which case the provisions of paragraph 2007, IREM and the ratio in the matter of Moti Lal (supra) were duly considered, is squarely applicable to the facts and circumstances of the present case, we do not find any merit in the OA, which is dismissed accordingly. No costs.

S. Raju

(Shanker Raju)
Member (J)

V. K. Majotra

(V. K. Majotra)
Member (A)

/as/