

CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

OA.No.1256 of 1999

New Delhi, this 9th day of November 2000

HON'BLE SHRI KULDIP SINGH, MEMBER(J)
HON'BLE SHRI M.P. SINGH, MEMBER(A)

Chotey Lal
S/o Shri Ram Lotan
Kalawati Camp
Railway Station
Near Gurdwara
Hazrat Nizamuddin
New Delhi.

...Applicant

(By Advocate:Shri Anis Suhrawardy)

versus

1. Union of India
Through the Chairman.
Railway Board
Rail Bhavan
New Delhi
2. General Manager
Northern Railway
Baroda House
New Delhi
3. The Chief Administrative Officer
(Constn), Northern Railway
Kashmere Gate
Delhi
4. The Dy. Chief Engineer (Constn)
Northern Railway
Patel Nagar
New Delhi

... Respondents

(By Advocate: Shri P.M. Ahlawat)

ORDER(Oral)

Hon'ble Shri Kuldip Singh,M(J)

We have heard the learned counsel for the respondents as none has appeared for the applicant and proceed to dispose of the case on the basis of pleadings on record.

kn

9

2. The applicant in the OA has asked for the following reliefs:-

"(i) quash and set aside the impugned action of the respondents in reverting the applicant from his post of Mate/Highly Skilled Artisan in the grade Rs.950-1500 to the post of Gangman/Khallasi/Safaiwala/Cleaner etc. in the grade of Rs.750-940 by tagging along with Original Application No.661 of 1997 In re: Sher Singh and Others Vs Union of India and others as well as other O.As. in which restraint orders have been passed.

(ii) direct regularisation of the applicant in the grades and the scales held by him in capacity as Mate;

(iii) prohibit the respondents from reverting the applicant from the post of Mates/Highly Skilled Artisans in the grade of Rs.950-1500 Gangman/Khallasi/Safaiwala/Cleaner etc. in the grade of Rs.750-940 (Class IV Group D posts);

(iv) quash and set aside the impugned order No.220-E/1/C/PINR dated 12.5.1999, inasmuch as it includes the name of the applicant at Serial No.13 (Annexure A-1 HERETO). ..."

3. The applicant claims that he was initially appointed as casual labourer on 7.6.1974 and thereafter granted temporary status on 1.1.1984. He was promoted as Mate/Highly Skilled Artisan in the grade of Rs.950-1500 on 2.4.1983 in category Group 'C' and for almost 16 years he was working as Mate.

4. To challenge the impugned order the applicant contends that though the respondents, by seeking to implement the Railway Board's letter dated 11.12.1996, purport to give an

ku

impression that a large number of casual labourers are being regularised, instead of benefiting them they are harming their interests by reverting them to Class-IV Group 'D' posts in much more lower pay scales as Gangman/Khallasi/Safaiwala/Cleaner etc. in the grade of Rs.950-1500. He also states that entire action of the respondents in reverting the applicant to the post of Khallasi is illegal and arbitrary and the same is liable to be quashed.

5. Respondents in their reply submitted that applicant was initially appointed on casual labour and on 1.1.1984 he was conferred with temporary status and his services were utilised in Construction Division. But actually vide Annexure A-3 he was regularised in the post of Khallasi on open line in Delhi Division. It was further submitted that Construction Division is a temporary division. Permanent work is not available and for paucity of work in Construction Division applicant has to be reverted to his parent department where he can be promoted in his own channel. Applicant has permanent ~~lien~~ on open line cadre in Delhi Division So respondents are within their right to revert the applicant.

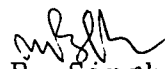
6. We have also gone through the rejoinder filed by the applicant. The contention of the respondents that the applicant was screened and regularised as Khallasi, has not been

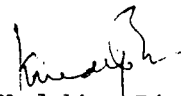
h

11

controverted by the applicant in his rejoinder. So, we have no reason to disagree with the respondents that the applicant had been screened and regularised in the post of Khallasi. The respondents have also referred to a document annexed by the applicant himself as Annexure A-3 which shows that the applicant was screened for the post of Khallasi and was appointed in the Open Line of Delhi Division. So, we are of the considered view that the applicant continued to have lien in his parent division i.e., Delhi Division, as a Khallasi and cannot challenge his reversion from the post of Mate in the Construction Organisation to the post of Khallasi where he has his lien.

7. We find no merit in the OA and the same is hereby dismissed. No order as to costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

dbc