

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.249/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 11th day of October, 2000

Suresh Kumar  
s/o Hari Ram  
CSI West Delhi  
Motia Bagh  
Panipat Station  
Haryana.

... Applicant

(None)

Vs.

1. Union of India through  
Secretary  
Ministry of Railways  
Rail Bhawan  
New Delhi.

2. Senior Divisional Personnel Officer  
DRM Office  
New Delhi. ... Respondents

(None)

O R D E R (Oral)

By Justice V. Rajagopala Reddy:

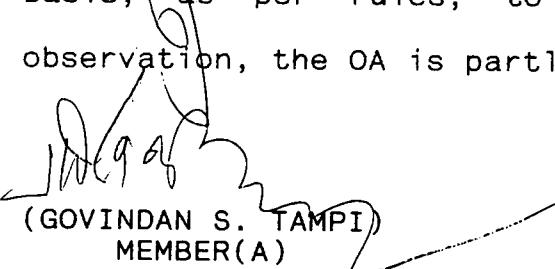
The applicant submits that he has been working continuously from 15.1.1984 for 13 years in the highly skilled category of Blacksmith, Group 'C', Northern Railway, Tughlakabad, Delhi. However, he has been illegally reverted to Class-IV post, in the lower pay scale of Rs.750-940. The OA was brought for the relief of regularisation in Group 'C' post as well as for payment of the difference in pay and for protection in Group 'C' post.

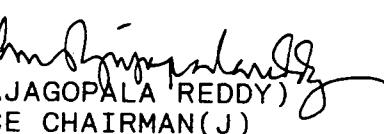
2. It is however stated in the counter, filed by the respondents, that the applicant was initially engaged as daily rated Gangman under PWI(Construction)/Panipat on 25.8.1977 and he worked in that capacity upto 14.1.1979. Thereafter the

10

applicant was engaged as casual Hammerman from 15.1.1979 to 14.1.1984 and he was later engaged as casual Blacksmith between 1984-97. It is stated that he is entitled for regularisation in Group 'D' and he will be entitled for consideration for promotion to the Group 'C' in accordance with rules as per the seniority and that he has no right to continue in Group 'C' post in the Construction Organisation. From the facts it is an admitted position that the applicant has been working for ~~the~~ period from 1984-97 in Group 'C' post in the Construction Organisation with the pay scale of Group 'C'. It is no doubt that mere working in the Construction Division does not confer right for regularisation in Group 'C' post. An appointment to Group 'C' post is by way of promotion from Group 'D' to Group 'C' in accordance with the Rules as contained in the Indian Railway Establishment Manual and unless the applicant is considered for promotion to Group 'C' post, he cannot have any right for regularisation in Group 'C'. But as has been working in 13 years in the Group 'C' in higher scale of pay equivalent to Group 'C', he is entitled for protection of pay till he is regularly appointed. We are supported by our view in Ram Kumar & Others Vs. Union of India 1996(1) AISLJ 116.

3. We therefore direct the respondents to protect the pay of the applicant in Group 'C' post in which he is working till he was promoted on regular basis, as per rules, to Group 'C'. With this observation, the OA is partly allowed. No costs.

  
(GOVINDAN S. TAMPI  
MEMBER(A))

  
(V. RAJAGOPALA REDDY  
VICE CHAIRMAN(J))

/RAO/