

(24)

Central Administrative Tribunal
Principal Bench

O.A. No. 561 of 1999

New Delhi, dated this the 17th October, 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

S/Shri

1. Narender Kumar,
S/o Shri Sardi Lal,
C/o Dy. Chief Engineer (Construction),
Northern Railway,
Tilak Bridge,
New Delhi.
2. Ram Mani Tiwari
S/o Shri Hinchpati Ram Tiwari
3. Shyam Singh,
S/o Shri Girdhari Singh. .. Applicants

(By Advocate: Shri Pankaj Kumar proxy
counsel for Shri Anis Suhrawardy)

Versus

1. Union of India through
the Chairman,
Railway Board, Rail Bhawan,
New Delhi.
2. General Manager,
Northern Railway,
Baroda House, New Delhi.
3. The Chief Administrative Officer (Constn.),
Northern Railway,
Kashmere Gate, Delhi.
4. Dy. Chief Engineer (Construction),
Northern Railway,
Tilak Bridge,
New Delhi. .. Respondents

(By Advocate: Shri R.P. Aggarwal)

ORDER (Oral)

S.R. ADIGE, VC (A)

Heard both sides.

2. Pleadings reveal that applicant No.1 was
appointed as casual Gangman on 29.6.77 and was

7

granted temporary status on 1.1.82. He was further promoted on ad hoc basis as Permanent Way Mate on 1.1.84.

3. Applicant No. 2 was initially appointed as khallasi and was granted temporary status on 1.1.8. He was further promoted on purely ad hoc w.e.f. 1.1.86.

4. In regard to applicant No. 3 it is stated by respondents in their reply that he is working as regular mate in open line, therefore, the question of reverting him does not arise.

5. The post of mate is a Group 'C' post and the question whether a person who is directly engaged on Group 'C' on casual basis is entitled to be regularised on that post was considered by CAT, Full (Jaipur) Bench vide its order dated 30.10.2000 in O.A. No. 57/96 Aslam Khan Vs. Union of India & Others 2001 (2) A.T.J. Page 1.

6. The Full Bench answered the reference as under:

"A person directly engaged on Group 'C' (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 draws in the Group 'C' post will, however, be liable to be protected."

7. In the light of the aforesaid Full Bench decision in Aslam Khan's case (supra) the prayer of applicant No. 1 and 2 for regularisation as mates (Group 'C' post) fails and the decision cited by applicants in O.A. No. 661/97 Sher Singh Vs. Union of India and Ishwar Singh & Anr. Vs. Union of India & Others are of no assistance to them.

8. Under the circumstances while we are not able to grant the prayer to applicant No.1 and 2 for regularisation in Group 'C', ^{as} ~~when~~ they are yet to be regularised in Group 'D', we direct that subject to the availability of work they should be allowed to continue in their existing capacity till they are replaced by regularly appointed Group 'C' candidates, and even after their reversion to Group D, their pay which they draw as mates in Group 'C' category, should be protected.

9. Applicants' counsel has stated that the case in Inderpal Yadav & Others Vs. Union of India & others is coming before Hon'ble Supreme Court in which the question whether the Construction Organisation is a permanent organisation of Railways or not is to be considered.

10. If the Hon'ble Supreme Court's decision in the aforesaid case is of any advantage to the applicants 1 & 2 it will be open to them to move for revival of this O.A. through an M.A.

27

4

11. The O.A. stands disposed of
accordingly. No costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

Anjole
(S.R. Adige)
Vice Chairman (A)

karthik