

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.366/95

New Delhi this the 16th day of September, 1999.

Hon'ble Mr. Justice V.Rajagopala Reddy, Vice-Chairman(J)
Hon'ble Smt. Shanta Shastri, Member (A)

1. Sh. Gurdial Singh,
S/o Shri Mahenga Ram,
Bridge Mistry (Sarang),
under IOW (Constn.),
Northern Railway,
Delhi Cantt.

2. Shri Karam Chand,
S/o Sh. Jeevan Singh,
Sarang under IOW (Constn.),
Northern Railway, Delhi.

...Applicants

(By Advocate Shri B.S. Mainee)

-Versus-

Union of India: through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Chief Administrative Officer (Constn.)
Northern Railway, Kashmeri Gate,
Delhi.

3. The Dy. Chief Engineer (Constn.),
Northern Railway,
Tilak Bridge,
New Delhi.

...Respondents

(By Advocate Shri B.K. Aggarwal, through proxy
Shri Rajeev Bansal)

O R D E R

By Reddy, J.

The applicants, employees of the Northern Railway, seek a direction to screen them in the Artisans category (Group 'C' posts).

2. It is submitted by them that they were appointed initially as casual workers in Group 'D' in the Northern Railway in the pay scale of Rs.260-400 and promoted thereafter as skilled worker in Group 'C' w.e.f.



1980/81. They were designated as Sarangs and they were given temporary status w.e.f. 1.1.84. It is the case of the applicants that they were screened in the year 1986 and were declared as successful and they have been working continuously for the last 20-28 years and they were yet to be regularised in Group 'C'. The respondents, however, without regularising their services, passed the impugned order directing them to give their willingness to be considered for regularisation in the posts of Khalasis (Group 'D'). It is their grievance that they have already been regularised and have been working as Artisans from 1980 in Group 'C'. Hence, the question of their screening to be regularised in Group 'D' Khalasi would be wholly illegal. It is, however, the case of the respondents that by the impugned order, directed the casual labour who are working as Artisans who have already given their willingness to be considered for screening as Khalasis in Group 'D' for their regularisation in Group 'D', to appear for screening and this proceeding has no application to the applicants since the applicants have already been screened and regularised in class IV Group 'D' posts. It is also averred in the counter-affidavit that the applicants would be promoted and regularised in Group 'C' posts, in the quota fixed, as per rules, in accordance with their inter-se-seniority.

3. It is clear from the above pleadings that the applicants have filed the OA on the apprehension that they would be again called for screening in Group 'D'



posts. In view of the averments made in the counter-affidavit, the question of their screening again will not arise.

4. As to the claim of the applicants for regularisation in Group 'C' posts, it is not disputed that they have been working as Artisans, Group 'C', for several years. The learned counsel for the applicants draws our attention to Rule 159 of the IREM Volume I where it lays down that group 'D' employees are entitled for promotion to 50% of the posts of skilled Artisans. There is no dispute that the applicants are entitled for promotion, but the procedure has to be followed for promoting the employees from Group 'D' in accordance with their inter-se-seniority. It is not the case of the applicant that any of the applicants' juniors have been promoted as skilled Artisans and regularised. Hence, the applicants case will be considered in due course according to the inter-se-seniority of the Group 'D' employees who have been working as Artisans. In 1996 (1) A¹SLJ 116 Ram Kumar & Ors. v. Union of India, it was held that the casual labour working for more than five years in Group 'C' are entitled to be regularised as Artisans. It was held recently by the Supreme Court in Mitrangshu Roy Choudhary & Ors. v. Union of India & Ors (Civil Appeal No.3210 of 1996) by its decision dated 5.4.99 that there can be no direct entry into the Group 'C' posts and all the vacant posts will be filled up by promotion from Group 'D' posts and that this decision was taken by the Railway Administration and the employees unions in the interest of industrial peace.

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5. In the circumstances, in view of the fact that the impugned proceedings have no application to the applicant and as no junior to the applicants were promoted in Group 'C' posts, no relief can be granted to the applicants. The OA, therefore, fails and is accordingly dismissed. No costs.

Shanta
(Smt. Shanta Shastry)
Member (J)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman(J)

'San.'