

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

1) O. A. NO. 1791/1996
M. A. NO. 1692/1996

2) O. A. NO. 1792/1996
M. A. NO. 1691/1996

New Delhi this the 1st day of March, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

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

1) O. A. NO. 1791/1996

1. Hari Singh S/O Ramji Lal
2. Chander Prakash S/O Kalyan Singh
3. Om Prakash S/O Mehtab Singh
4. Komal Singh S/O Badan Singh
5. Shri Gopal S/O Lakhon Singh
6. Dhani Ram S/O Jwerya Ram
7. Nemi Chand S/O Bhagwan Das
8. Jairam Singh Yadav S/O Sarju Singh Yadav
9. Chandan Singh S/O Mahavir Singh
10. Avinash Gupta S/O S.K. Gupta
11. Mohd. Iqbal S/O Imam Baksh
12. Sat Dev S/O Bishan Singh
13. Chandra Bhushan Singh S/O B.N. Singh

(All working as Fitter/Wireman/
Carpenter/Painter with the Signal
Inspector, Northern Railway,
Tundla).

Applicants

(By Shri Arun Bhardwaj, proxy for Shri E.S. Mainee,
Advocate)

2) O. A. NO. 1792/1996

1. Laxmi Kant Saxena S/O B.K. Saxena
2. Hari Singh S/O Gopi Ram
3. Triloki Nath S/O Mukut Behari
4. Amar Singh S/O Lala Ram
5. Gir Raj Kishore S/O Ram Lal
6. Virendra Kr. Pandey S/O Sri Nath. Pandey
7. Mewa Lal

(All working as Wireman/Fitter/
Carpenter in the office of
Chief Signalling Inspector (Const.),
Northern Railway,
Aligarh Junction).

Applicants

(By Shri Arun Bhardwaj, proxy for Shri E.S. Mainee,
Advocate)

-Versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.

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

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3. Senior Signalling & Tele-
communication Engineer (Constn.),
Northern Railway, Kanpur.

4. Divisional Railway Manager,
Northern Railway,
Allahabad, U.P.

... Respondents
(In both OAs)

(By Shri D.S.Jagotra, proxy for Shri B.S.Jain, Adv.)

O R D E R (ORAL)

Shri V.K.Majotra, AM:

Misc. applications for joining in a single O.A.
are granted.

Application made by the proxy counsel for
adjournment is rejected. We have perused the record
and we proceed to dispose of the O.As. on the basis
of pleadings on record in terms of Rule 15 of the
Central Administrative Tribunal (Procedure) Rules,
1987.

The applicants are working as skilled artisans
grade Rs.950-1500. — Some of them were initially
engaged as skilled artisans while others were engaged
as semi-skilled artisans and they were promoted as
skilled artisans subsequently. The applicants were
initially engaged in the years 1983 and 1984. The
applicants claim that in accordance with the
provisions contained in para 2007 (3) of the Indian
Railway Establishment Manual, Volume-II, the casual
labour engaged in work charged establishments of
certain departments, who got promotion as

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semi-skilled, skilled and highly skilled due to non-availability of regular departmental candidates and continued to work as casual employees for a long period, can be absorbed in the regular vacancies in skilled grades provided they have passed the requisite trade test to the extent of 25% vacancies reserved for departmental promotion from unskilled and semi-skilled categories.

2. The applicants have alleged that though they have attained temporary status and have been working for over 13 years, the respondents have not considered them for regularisation against the 25% promotee quota despite several representations from them. The respondents have now initiated the process of screening the applicants for Group 'D' (Class-IV) posts as per letter dated 9.7.1996 (Annexure A-2). As per rules and ratio of various judgments, the skilled artisans/labour engaged or promoted as skilled artisans have to be screened and regularised in Class-III posts as skilled artisans against the 25% promotee quota. The applicants have relied upon the decision of the Hon'ble Supreme Court in the case of Piara Singh & Ors., reported in SLJ 1992 (Vol. III) p.34 and also the order dated 11.12.1995 (Annexure A-3) of this Tribunal in O.A. No.2720/90. The applicants have sought quashing of the orders of the respondents whereby the respondents have initiated the screening of applicants for Class-IV posts and also a direction to the respondents to hold the trade test for regularisation of the applicants on the posts from



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the dates they have been working in the skilled categories.

3. The respondents in their reply have stated that there are no vacancies in the category of skilled artisans in the Allahabad Division; therefore, the applicants have been called upon to appear for screening in Group 'D'. The ratio of Piara Singh (supra) is relevant to the facts of the present case. The relevant portion is reproduced below :

"So far as the work-charged employees and casual labour are concerned, the effort must be to regularise them as far as possible and as early as possible subject to their fulfilling the qualifications, if any, prescribed for the post and subject also to availability of work. If a casual labour is continued for a fairly long spell - say two or three years - a presumption may arise that there is regular need for his services. In such a situation, it becomes obligatory for the concerned authority to examine the feasibility of his regularisation. While doing so, the authorities ought to adopt a positive approach coupled with an empathy for the person. As has been repeatedly stressed by this Court, security of tenure is necessary for an employee to give his best to the job. In this behalf, we do commend the orders of the Government of Haryana (contained in its letter dated 6.4.1990 referred to hereinbefore) both in relation to work-charged employees as well as casual labour."

4. On consideration of the facts of the present case and ratio of Piara Singh (supra), in view of the fact that the applicants have worked for long number of years as skilled artisans with the respondents, a presumption has to be drawn that there is a regular need for their services in those categories. Thus, it is imperative for the respondents to examine the

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- feasibility of regularisation of the applicants as skilled artisans.

5. Respondents are accordingly directed to organise screening of the applicants for skilled categories instead of Class-IV posts (unskilled) and regularise them as such in case the applicants are found suitable. This process be completed within a period of six months from the date of receipt of these orders.

6. The O.As. are disposed of in the aforestated terms. There shall, however, be no order as to costs.

(Ashok Agarwal)
Chairman

(V. K. Majotra)
Member (A)

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Attest
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