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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

R.A. No. 13/99  
in

O.A. No. 2390/96

New Delhi this the ~~15~~<sup>16</sup> Day of February 1999.

Hon'ble Mr. R.K. Ahooja, Member (A)

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Divisional Rly. Manager,  
Northern Railway,  
Moradabad (UP).
3. The Assistant Engineer,  
Northern Railway,  
Najibabad (UP).

Review  
Respondents

(By Advocate: Shri R.L. Dhawan)

-Versus-

1. Shri Hari Gopal,  
S/o Shri Parsh Ram,  
Welder.
2. Shri Rameshwar Dayal,  
S/o Shri Pathey,  
Aligner
3. Shri Suraj,  
S/o Shri Maha Deo Parasad,  
Welder
4. Shri Nane Lal,  
Shri Gokal,  
Lutor
5. Shri Mahendra Kumar  
Shri Gaj Raj Singh,  
Grinder
6. Shri Har Prasad,  
S/o Shri Mahdeo,  
Moulder
7. Shri Shiv Dutrt,  
S/o Shri Shram Dutta,  
Blacksmith
8. Shri Ram Kumar,  
S/o Shri Vishambar  
Fitter
9. Shri Suresh Dutta,  
S/o Shri Baldeo Dutta,  
Blacksmith

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10. Mohd. Hasan,  
S/o Shri Abdul Wahib  
Mason.

Applicants

ORDER (By Circulation)

By the impugned order of this Tribunal, the following directions were given to the respondents regarding absorption of the applicant against the 25% of the promotion quota in the category of skilled artisans.

1. The order of the respondents, Annexure A-3, in so far as it relates to the absorption of applicants in Group 'D' post is set aside;
2. The respondents are directed to consider the absorption of the applicants in Group 'C' posts as and when vacancies are available within 25% of promotion quota in Group 'C' posts in the various trades in which the applicants are working respectively as skilled artisans; and
3. Till such time vacancies arise in Group 'C' post against which the applicants can be considered, they may be adjusted against a Group 'D' post protecting their pay in Group 'C'.

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2. The respondents have now come for review of the above directions claiming that there are errors of law as well as facts patent on the face of the record. Firstly, they state that a person working in Grade 'D' cannot be allowed the pay of grade 'C'. Secondly, they submit that there is a contradiction between direction 1 and direction 3 as in the former the regular appointment of the applicants in Grade 'D' has been quashed while in the latter the applicants have been allowed to continue against group 'D' post awaiting their turn for promotion to Group 'C'.

3. I have considered the matter carefully. The Railways themselves in the past have protected the higher pay drawn by casual labourers working against skilled post when absorbed in Group 'D' post. See Ram Kumar & Others Vs. Union of India & Others, AISLJ 1996 (1) SC 116.

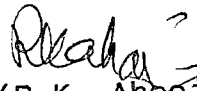
4. I also do not find any contradiction between the direction No. 1 & 3. The direction as regards keeping the applicants in Group 'D' post is of a temporary nature till post in Group 'C' against promotion quota are available.

5. The petitioners have also submitted that calculations as regards the availability of a post in promotion quota in the category of masons has not been correctly done. The directions are subject to the adjustment of the applicant as and when vacancies are availability of vacancy in the promotion quota. If the applicants in the O.A. want to take their chance and wait till such vacancies are available rather than be

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regularised against Group 'D' posts, it is a matter of their own outlook. The respondents/petitioners are not barred from calculating the vacancies strictly according to the rules.

In the light of the above discussion, the R.A. is summarily dismissed.

  
(R.K. Ahooja)  
Member(A)

\*Mittal\*