

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1071/1997

New Delhi: this the 31st day of December, 2001.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A)

HON'BLE DR.A.VEDAVALLI, MEMBER (J)

Karimuddin,  
S/o Shri Bhulla,  
Casual Carpenter,  
Under IDW,  
DRS,  
Northern Railway,  
Moradabad

.....Applicant.

(By Advocate: Mrs. Meenu Mainee)

Versus

Union of India  
through

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

2. The Divisional Railway Manager,  
Northern Railway,  
Moradabad.

3. The Inspector of Works, DRS,  
Northern Railway,  
Moradabad

.....Respondents.

(By Advocate: Shri R.L.Dhawan)

ORDER (ORAL)

Mr.S.R.Adige, VC(A):

Applicant impugns respondents' order dated 14.3.97 (Annexure-A1) and seeks a direction to respondents to regularise him as a Carpenter w.e.f. 1.1.85 from which date temporary status was granted to him.

2. This OA was originally heard and disposed of by order dated 15.4.98. However, upon RA No.106/98 and RA No.166/98 being filed for review of order dated 15.4.98, this very bench was satisfied that there were certain errors apparent on the face of record in the impugned order dated 15.4.98 to bring the same within the scope

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and ambit of section 22(3)(f) AT Act read with Order 47 Rule 1 requiring the said order to be reviewed. Under the circumstances the RAs were allowed and the aforesaid order dated 15.4.98 was recalled and the case was listed for re-hearing.

3. We have heard Mrs. Meenu Mainee for applicant and Shri R.L. Dhawan for respondents.

4. Respondents in their reply <sup>to the OA</sup> have themselves admitted that applicant was initially appointed as casual labour carpenter on 15.3.75 and he worked in this capacity upto 14.4.80 in workcharged establishment. He also worked as casual labour Khalasi in the grade Rs.196-232 from 15.4.80 to 31.12.84 and thereupon he worked as casual carpenter Gr.Rs.260-400 w.e.f. 1.1.85 against workcharged post and is still working in that capacity.

5. As per Para 159(1) IREM Vol.I, the vacancies <sup>to which category the posts of Carpenter belong,</sup> in the category of skilled Artisans Grade III <sup>are to</sup> in scale Rs.950-1500 ~~will~~ be filled as under:

- (i) 25% from open market;
- (ii) 25% from serving semi skilled and unskilled staff with educational qualification as laid down in Apprentices Act; and
- (iii) 50% by promotion of staff in the lower grade as per prescribed procedure.

6. Respondents in their reply to the OA have specifically submitted that there are only 3 posts of carpenter grade Rs.950-1500 in permanent sanctioned strength in the unit in which applicant was working. This specific averment of the respondents has not been denied by the applicant in his rejoinder although he states that <sup>fact that there are only</sup> these three posts of carpenter grade Rs.950-1500 in the permanent sanctioned strength cannot be used against him because he had been continuously working as a

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Carpenter ever since his appointment.

7. We dispose of this OA with a direction to respondents that applicant's claim for regularisation as Carpenter should be considered by respondents in his own turn and strictly in accordance with rules and instructions on the subject.

8. The OA is disposed of in terms of para 7 above.  
No costs.

*A. Vedavalli*  
( DR. A. VEDAVALLI )  
MEMBER (J)

*S. R. Adige*  
( S. R. ADIGE )  
VICE CHAIRMAN (A)

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