

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A. No. 2205/97

New Delhi: this the 7th day of September, 2000.

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

HON'BLE DR.AVE DAVALLI, MEMBER (J)

1. Pale Ram,
S/o Sh.Ram Chander.

2. Rameshwar,
S/o Sh.Matphera.

3. Davender,
S/o Sh.Kunwar pal.

(A)

All C/o Carriage, Wagon Deptt.,

Old Delhi Railway Station,
Working as Safaiwala

.....Applicants

(By Advocate: Shri D.N.Goverdhan)

Versus

1. Union of India,
through Secretary,
Ministry of Railways,
New Delhi.

2. Senior Divisional Personal Officer,
DRM Office,
New Delhi.

.....Respondents.

(By Advocate: Shri R.L.Dhawan)

ORDER

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

Applicants impugn respondents' order dated 13.3.97 (Annexure-A) and seek regularisation in suitable Class III Posts. They also seek quashing of the order by which their pay has been reduced and claim difference in pay and pay protection in the said Class III Posts.

2. Heard both sides.

3. As per their averment, applicant No.1 was

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(V)

recruited as a Gangman on 15.7.77 and was promoted as Hammerman (a Class III Post) in 1985. Similarly Applicant No.2 was recruited as Gangman in 1981 and was promoted as Hammerman in 1984, while Applicant No.3 was recruited as Gangman in 1977 and was promoted as Blacksmith (also a Class III Post) in 1979. Applicants state that they all were working on Class III Post but by impugned order dated 13.3.97 have been recruited as Safaiwalas which they contend is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution.

4. Respondents' letter dated 11.2.97 (Annexure R 1) which applicants have not impugned, and indeed not filed, reveals that applicants were initially appointed in Construction Organisation and have already been regularised in Class IV in Delhi Division after screening, because they were rendered surplus in Construction Organisation, and have been posted as Cleaners (Safaiwalas) in C & W, Department. Indeed the impugned letter dated 13.3.97 only refers to their further posting against existing vacancies.

5. As applicants already stand regularised in Class IV Category, the impugned order dated 13.3.97 warrants no interference at this stage. In so far as applicants' claim for absorption in Class III technical posts such as Blacksmith etc. which applicants were holding earlier, is concerned, the same is possible only against available vacancies in the appropriate quota in accordance with rules and instructions and subject to applicants' eligibility and seniority.

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(b)

6. Applicants in their affidavit dated 6.5.99 stated that there are several posts of Hammermen/ Blacksmith under Delhi Division against which applicants could be accommodated.

7. This OA is disposed of with the direction that in the event applicants furnish details of these vacancies to respondents within 2 months from the date of receipt of a copy of this order, respondents should examine the question of absorbing them against these vacancies provided and to the extent that they fall within the appropriate quota, in accordance with rules and instructions and subject to applicants' own eligibility and seniority for such absorption, within 4 months from the date of receipt of their representations.

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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