

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2620 of 1997

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New Delhi, this 23rd day of May, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Smt. Shanta Shastry, Member(A)

1. Sultan Singh
2. Gian Singh
3. Daya Ram
4. Ganga Singh
5. Yad Ram
6. Ram Sevak
7. Budha
8. Rakesh
9. Jamna Prasad
10. Mehboob
11. Jai Veer
12. Gulba
13. Puran Chand
14. Fakhrudin
15. Raju
16. Narain Dutt
17. Girish Chand
18. Imamuddin
19. Lal Ram

Applicants 1-7, 10, 12 and 13-15 all working in
Carriage & Wagon Dep't., Northern
Railway, New Delhi/Nizamuddin, New Delhi;
applicants 8-9 in Diesel Shed, Tughlakabad,
New Delhi; applicant 11, 16 & 17, EMU Car Shed,
Ghaziabad; applicants 18 R/o Aman Colony,
Tayyab Masjid, Ghaziabad and applicant 19
R/o 199, Arya Nagar, Block No.125
Sonepat.

.. Applicants

(By Shri Anis Suhrawardy, Advocate)

versus

1. General Manager
Northern Railway
Baroda House, New Delhi
2. Divisional Railway Manager
Northern Railway
Chelmsford Road, New Delhi
3. Sr. Divisional Personnel Officer
Northern Railway
State Entry Road, New Delhi ... Respondents

(By Shri B.S. Jain, Advocate)

Order (oral)

By Reddy, J.

The applicants were engaged as casual
labourers on daily wage basis in the Northern

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Railway. ~~Subsequent to~~ ^{of Article} they were working in the capacity of Mates which is Group 'C' post the applicants filed OA.1892/92 and OA.3217/92 and they were disposed of in terms of the judgment in Sri Ram and others Vs UOI & Ors in OA.3074/91, by order dated 9.9.1993. In the said judgement the Principal Bench of the Tribunal has directed the respondents namely, the UOI and others to maintain the temporary status of the applicants in Group 'C' post in the PQRS organisation and that they should be regularised against available vacancies of Group 'C' also whenever their turn comes in accordance with their seniority after any screening/test prescribed under the rules. The applicants are now aggrieved by the order dated 25.5.1996 by which they were posted in the department after they were found surplus in the PQRS, Lucknow organisation against the existing vacancies in Group 'D'. The grievance of the applicants is that the impugned order amounted to their reversion to the scale of Rs.750-940 from Rs.950-1500.

2. The contention of the learned counsel for the applicants is that, in view of the judgement of the Tribunal in Sri Ram's case (supra), the applicants are entitled to continue in Group 'C' post in the PQRS organisation where they were working and they are also entitled for regularisation in Group 'C' post.

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3. In the counter affidavit filed by the respondents it is stated that the applicants who were casual labourers were posted in PQRS organisation which was a temporary work charged organisation and as such it was not an open line organisation. The organisation has been closed and thereupon the applicants were declared surplus and posted as C & W Cleaners as per their own willingness. It was stated that the applicants were not entitled for continuance or for regularisation in Group 'C' as they will have to be screened for Group 'C' post and as there are several persons seniors to them awaiting promotion in Group 'C' post, they have to be considered for promotion after screening according to seniority.

4. We have given careful consideration to the pleadings as well as arguments advanced by the learned counsel on either side in this case.

5. The applicants are admittedly working as casual labourers in Group 'D' posts. While working as Group 'D' as Gangman/Khaliasi, they were asked to work in an organisation and therefore they were working in PQRS which is stated to be a temporary work charged organisation and therefore they were working in PQRS in Group 'C' posts namely, Mate, Shuntman etc. and were paid higher scale of pay. In the

earlier cases filed by the applicants, their OAs were disposed of in terms of the judgement in Sri Ram's case (supra). The Tribunal in Sri Ram's case has clearly stated temporary status already achieved by the applicants in Group 'C' post in the PQRS organisation should not be disturbed and that they should be regularised against available vacancies of Group 'C' also whenever their turn comes in accordance with their seniority as per the rules. Now that the PQRS organisation has been closed down the continuance of the applicants in the said organisation will not arise. Having found them as surplus staff they were posted back into the department in their substantive post namely, Group 'D' posts of Khaliasi/Gangman. It is not in dispute that the applicants were not screened for Group 'C' posts and as and when vacancies arise they are entitled for consideration for promotion from the date of screening in accordance with their seniority and as per rules.

6. It is not in dispute that the promotion to Group 'C' cadre is governed by Rules. The applicants' cases have to be considered for promotion in terms of the rules. Merely on the ground that they have been working, fortuitously in Group 'C' in a temporary organisation they cannot seek promotion dehors the rules. In an identical matter, we have disposed of OA.2085/95

[Signature]

(27)

by order dated 24.11.1999 wherein we have held that Group 'D' staff who are not eligible and selected for promotion as per the rules cannot be regularised in Group 'C' post. In the said judgement we have followed the Full Bench judgement in Yasin Khan and UOI & Ors reported in (1998) 3 ATJ P.24.

7. In view of the above discussion, we do not find any infirmity in the impugned order. The OA is, therefore, dismissed. No order as to costs.

Shanta S
(Mrs. Shanta Shastry) *Om Rajagopal Reddy*
Member(A) Vice Chairman(J)

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