

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 619/97

New Delhi this the 30th day of August, 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)
Hon'ble Mr. Govindan S. Tampi, Member (A)

1. Paramjit Singh
S/o Shri Manmohan Singh
Casual SOM under Dy. C.E. (Constrn.)
Northern Rly, Tilak Bridge,
New Delhi.

2. Shri Darshan Singh
S/o Shri Daram Singh
SOM, Dy. C.E. (Constrn.)
Jammu Tawi.

3. Shri Manohar Lal
S/o Shri Hub Lal
SOM, Dy. C.E. (Constrn.)
Jammu Tawi.

4. Shri Om Prakash
S/o Shri Karam Chand
Casual SOM, Dy. C.E. (Constrn.)
Udhampur.

5. Shri Arvinder Singh
S/o Shri Santok Singh nayar
Casual SOM, Dy. C.E. (Constrn.)
Tilak Bridge, Delhi.

6. Shri Rajeshwar Singh
S/o Shri Kalyan Singh
Casual SOM, Dy. C.E. (Constrn.)
Northern Rly. Udhampur.

7. Shri Tilak Raj
S/o Shri Rattan Chand
Casual SOM, Dy. C.E. (Constrn.)
Jammu Tawi.

8. Shri Jasvinder Singh
S/o Shri Hargopal Singh
Casual SOM, Dy. C.E. (Constrn.)
Jammu Tawi.

(By Advocate: Shri B.S. Mainee) ...Applicants

Versus

1. The General Manager
Northern Railway,
New Delhi.
2. The Chief Administrative Officer (Constrn.)
Northern Railway, Kashmeri Gate, Delhi.

(By Advocate: Shri R.L. Dhawan) ...Respondents

✓

ORDER (Oral)

By Mr. Justice V.Rajagopala Reddy, VC(J)

Heard the counsel for the applicants and the respondents.

2. The applicants seek regularisation in the post of Sub Overseer Mistries in the Railways. The facts, briefly stated, are as under:-

3. The essential qualification for appointment to the post of Sub Overseer Mistries (for short SOM) is 3 years diploma in Civil Engineering. Though the applicants have not been possessing the above qualification and they are only 2 years certificate holders, they have been appointed as SOM in the year 1984. It is the case of the applicant that irrespective of the fulfilment of the required qualifications the diploma holders as well as certificate holders considered and appointed. They have been working as SOMs in the Railways since then. The Railways have issued the proceedings dated 30.7.88 stating that only those SOMs who hold diploma in Civil Engineering should be considered as "qualified" for allotment of Grade 1320-2040 and SOMs not having that qualification should be treated as "unqualified" and be allotted Grade of Rs. 950-1500. It is the case of the applicants that some of their colleagues, holding 2 years certificates, have approached the Principal Bench of the Tribunal in OA No. 1419/94 and the Tribunal in



(3)

its order dated 29.1.96 directed to consider the case of those applicants for appointment as SOM in the grade of 1320-2040 against the direct recruitment quota, though they do not possess the qualification of three years diploma. Placing reliance on the above judgment the applicants have filed the present OA, seeking the same benefits as were given to their colleagues in the above OA.

4. Learned counsel for the applicants contends that as the applicants have been working since 1984 as SOM, they should have been regularised in the post of SOM in the grade of Rs.1320-2040 without insisting upon the three years diploma.

5. Learned counsel for the respondents, however, submits that some of the applicants have also been screened in Group "D" and all the applicants are fulfilling the essential qualifications of three years diploma. It is the contention of the learned counsel that in view of the judgement of the Full Bench in OA No. 2654/96 dated 4.6.98 (Principal Bench, Delhi) in Yasin Khan Vs. Union of India & Ors., the issue is no longer open for argument as the Full Bench has clearly held that unless the employees hold three years diploma course, they are not entitled to be regularised as SOM.

6. Having given careful consideration to the contentions and the issues that are involved in this case, we are unable to accept the case of the

(B)

applicants. It is not in dispute that the applicants are not qualified inasmuch as they do not possess the essential qualification of three years diploma, they are only two years certificate holders. No doubt it is true that the applicants have been working as SOM since several years but realising the mistake the Railways have issued the necessary proceedings in 1988 itself where it was clearly stated that only qualified Casual SOMs would be given the grade of 1320-2040. Admittedly, the applicants have not challenged this proceedings, though they were aggrieved by those orders. Other certificate holders questioned those orders and have obtained the benefit contrary to the Railway Board proceedings dated 30.7.88. The Full Bench in Yasin Khan's case (supra) examined the same question and it ruled that:

"Therefore as a general rule candidates who have not successfully undergone the three year diploma course in Civil Engineering from a recognised Institution/University, and have undergone only the two year certificate course in Draftsmanship (civil) are not eligible for regularisation as Sub Overseer Mistries against the direct recruitment quota in the Railways".

7. It is clear as per the ratio of the Full Bench that the applicants having not possessed the required qualifications, are not entitled for regularisation as SOM. A Bench of this Tribunal (in which one of us Justice V. Rajagopala Reddy, Vice-Chairman(J) is a Member) in Roop Singh & another Vs. Union of India & Ors in OA No. 2085/95



(5)

has also considered the question as to the eligibility for regularisation of casual employees who have not been possessing the required three years diploma qualification. After considering all the decisions cited by the learned counsel for the applicants as well as the judgment of the Hon'ble Supreme Court in Ram Kumar & Others Vs. Union of India & Ors SLJ 1996(1) SC 116, following the judgement of the Full Bench in Yasin Khan's case held that the applicants therein are not entitled for regularisation. The present case is squarely covered by the above judgment.

8. In the circumstances, we have no hesitation in holding that the applicants are not entitled for any relief in this case. The OA is accordingly dismissed with cost of Rs. 5,000/- to be paid to the C.A.T. Bar Association, to be spent on Library.

(Govindan S. Tampli)
Member (A)

cc.

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)