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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 18 of 1994

New Delhi this the 7th day of November, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.N. Dhoundiyal, Member

Shri Rajbeer
R/o V.P.O. Jatola,
District Gurgaon.

...Applicant

None for the applicant

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Bikaner Division,
DRM Office,
Northern Railway,
Bikaner, Rajasthan.
3. Permanent Way Inspector,
Northern Railway,
Gurgaon (GGN),
Railway Station,
Gurgaon (Haryana)-122001. ... Respondents

By Advocate Shri K.K. Patel

ORDER (ORAI)

Mr. Justice S.K. Dhaon, Vice-Chairman

Case has been called out in the revised list. No one has appeared in support of this application. However, we have perused the contents of the application as well as the counter-affidavit filed on behalf of the respondents. We have heard the learned counsel for the respondents.

2. The undisputed facts are these. The applicant was employed as a Gangman. He acquired a temporary status in that capacity.
3. The allegation is that immediately after the applicant acquired a temporary status, the duties of a Welder were performed by him and he continued to do so thereafter.

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4. The prayer, in substance, is that the respondents may be directed to regularise the services of the applicant as a Welder.

5. In the counter-affidavit, the material averments are these: The applicant worked as a Gangman all along. He was not asked to perform the duties of a Welder. He was not granted a temporary status as a Welder. He was not sent to a refresher course. He did not at any stage work independently as a Welder.

6. Though, time was granted to the applicant to file a rejoinder-affidavit, no rejoinder-affidavit has been filed.

7. Annexure-A to the O.A. is a communication dated 31.10.1992 of the Permanent Way Inspector, Northern Railway, Delhi to the Permanent Way Inspector, Gurgaon. The subject of this communication is electric welding training to the applicant. It is recited therein that the applicant attended the workshop from 8.10.92 to 31.10.92 and acquired practical training in that trade. He had been found suitable to work independently whenever required.

8. Annexure-B is a communication dated 31.08.1992 of the DEN, Delhi to the AEN (TD), Ghaziabad. This communication indicates that the applicant had been sent to the AEN(TD), Ghaziabad for being trained in welding of points and X-rays.

9. Annexure-C is a communication of the Divisional Superintending Engineer Coordination, Northern Railway, New Delhi to all AENs/DENs

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Delhi Division. The subject of this communication is regularisation of welding staff working under PWIs. The officers concerned are being asked to submit detailed justification for creating of permanent posts of thermit welding staff. At the bottom of this communication, there is a note of the Chief Track Officer to the effect that large number of permanent Gangmen are being utilised as Welders/Moulders/Aligners in thermit welding gauge for last so many years and these gangmen are working in the higher grade on TIA/EIA basis. The desire is expressed that proceeding may be initiated for creating permanent posts of staff working in thermit welding gauge through matching surrender.

10. These documents only indicate that the applicant had received the training of performing the job of a welder. They do not indicate that either he was given the work of a welder or a post of a welder was created for him on a permanent basis.

11. On the basis of record, we are unable to record a finding that the applicant ever performed the duty of a Welder. Therefore, we are unable to grant any substantial relief.

12. We have no doubt that keeping in view the fact that the applicant had acquired training for performing the job of a Welder, the department shall if and when a vacancy arises, appoint him as a Welder.

13. With these observations, this application is dismissed but without any order as to costs.

B.N. Dhoondiyai
(B.N. DHOUNDIYAI)
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN