

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA No.706/86

Date of decision: 7.6.1993.

Sh.Ramesh Chand & anr.... Petitioners

vs.

Union of India through
General Manager,
Northern Railway,
New Delhi. ... Respondents

CORAM: THE HON'BLE MR.JUSTICE S.K.DHAON, VICE -CHAIRMAN(J)
THE HON'BLE MR.S.R.ADIGE, MEMBER(A)

For the Petitioners ... Sh.Surender Singh,
Counsel.

For the Respondents ... None

JUDGEMENT(ORAL)

(BY HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN)

Two persons filed this application jointly. They were Sh.Ramesh Chand and Shri Naik Mohammad. The learned counsel for the petitioners states that now this application is not being pressed on behalf of Sh.Ramesh Chand as he has been promoted as Welder during the pendency of this OA. The application is, therefore, being pressed only on behalf of Sh.Naik Mohammad.

2. A counter-affidavit has been filed on behalf of the respondents. The material averments in it are these. In the lowest rung in the channel of promotion of Artisan/ categories are:

- (1) Khalasi
- (2) By seniority Khalasi Helper
- (3) By seniority subject to Trade Test Skilled Artisan

These Skilled Artisans are in different trades e.g. Welders, Carpenters, Blacksmiths, Painters etc. In the normal course, a Khalasi is first to be appointed as Khalasi Helper and thereafter considered for appointment as Skilled Artisan after undergoing a Trade Test. The petitioner at no stage was appointed as Khalasi Helper.

He was not even appointed as Khalasi on permanent basis. However, he is a casual labour who has attained temporary status as Khalasi. A number of Khalasis of this unit were sent and locally they were utilised in the project work, building of a bridge on river Jadganga in Distt.Uttarkasi, U.P. After the completion of the project, the petitioner and others were reverted to their original post of Khalasi. Short term promotion given on projects does not confer any right for promotion after the project is wound up.

3. The first contention is that the petitioner having been duly promoted as Welder, his reversion to the post of Khalasi is void. We have already indicated the stand taken by the respondents on the question of the appointment of the petitioner as a Welder. Assuming the case set up by the petitioner is correct, the reversion having taken place in the year 1982 and this application having been presented in the year 1986, it is barred by time so far as that relief is concerned.

4. In the rejoinder-affidavit, in para 4, the assertions are these. Vide letter dated 16.12.85 Khalasis were called for Trade Test of Welders and vide letter dated 13.1.83 Shri Tirath Ram, Shri Malkiat, Shri Roshan Lal were called for the Trade Test of Welder and appointed as Welders from the post of Khalasi. Likewise, some other persons were appointed as Carpenters though they were working as Khalasis. Thus, the respondents treated the Khalasis to be qualified as Welder. The petitioner having been considered for such appointment, the respondents acted illegally and in violation of Articles 14 & 16 of the Constitution.

5. It is stated at the Bar that the petitioner is working as Khalasi Helper. In view of the allegations made in para 4 of the rejoinder-affidavit, the respondents shall consider the case of the petitioner for being appointed as Artisan(Welder) subject to the Trade Test. It is stated that the petitioner was not being considered for promotion as Welder as he approached this Tribunal by means of this OA. If the petitioner is otherwise qualified, the respondents shall consider his case for appointment as Welder as expeditiously as possible but not beyond a period of 3 months from the date of presentation of a certified copy of this order by the petitioner before the authority concerned.

With these directions, the OA is disposed of finally but with no order as to costs.

Arif Ali
(S.R. ADIGE)
MEMBER(A)

S.K.D
(S.K. DHAON)
VICE-CHAIRMAN(J)

SNS