

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.2352/91

New Delhi this the 13th Day of September, 1995.

Hon'ble Shri S.R. Adige, Member (A)
Hon'ble Dr A. Vedavalli, Member (J)

Shri Hari Ram,
C/o Shri Shekhar, Advocate
Chamber No.306, Delhi High Court,
New Delhi Applicant

(By Advocate : None for the Applicant)

VERSUS

UNION OF INDIA, THROUGH

1. The Secretary,
Ministry of Railways,
Rail Bhavan,
New Delhi.
2. S.S.T.E. (Construction)
Northern Railway,
R.M. Office
New Delhi.
3. The Dy Chief Project Manager,
Electric Division,
Northern Railway,
Tilak Bridge,
New Delhi.
4. The S.H.O.P. Superintendent,
Power Supply (OIS)
ICAR Building, Northern Railway,
New Delhi. Respondents

(By Advocate : Shri R.L. Dhawan)

ORDER (ORAL)

(By Hon'ble Shri S.R. Adige, Member (A))

In this application Shri Hari Ram,
Khalasi, Northern Railway, New Delhi has impugned
the respondent's action reverting him from the
temporary post of wireman, Electrical
(Rs.950-1500) to the post of regular Khalasi in
Rs.750-940, w.e.f. 26.9.90, ^{and} has sought for

12

(2)

regularisation as Wireman from the date on which he was found suitable for the post i.e. from 24.11.86, together with consequential benefits.

2. From the materials on record it would appear that the applicant was initially appointed as ^{AA}Casual unskilled Khalasi and accepted the status of Temporary Khalasi w.e.f. 15.2.85 (Annexure R-I). Subsequently, in the background of the Hon'ble Supreme Court judgement dated 11.8.86 in Inderpal Yadav's case, he was granted temporary status w.e.f. 1.1.86. Meanwhile, he was appointed/officiated on adhoc basis as a Casual wireman under the Metropolitan Transport Project (Railways) Delhi from 5.9.81 to 28.8.84 and was thereafter transferred to the Computerisation Rail Reservation Project, in the same capacity from 21.8.84 to 21.8.85. He returned to his parent organisation i.e. S & T Branch Delhi Division on 1.2.85 where he was reposted as a Temporary status Khalasi. He worked in the Delhi Division as temporary Khalasi till 30.11.86 and from 1.12.86 he was again promoted as temporary wireman on adhoc basis. On 1.12.86 it appears that the applicant was again promoted as temporary wireman on adhoc basis against the Workcharge post in the Computerisation of Reservation Project, where he worked till 31.10.88. Thereafter, from 1.11.88 to 22.9.90 he was working in the Computerisation of Passenger Project Lucknow and was reverted back to Delhi Division vide Order dated 22.2.90.

↑

The above facts are stated in the reply of the respondents to the amended O.A. filed by the respondents to which no rebuttle has been made by way of rejoinder and in the circumstances we see no reason to doubt the correctness of the same.

3. It would further appear that the posts in the Metropolitan Project Delhi as well as in the Computerisation of Rail Reservation Project are posts in the Project Construction line and are, ex-cadre post.

4. None appeared in this case when it was called out although we waited till 3.30 p.m. today. Shri R.L. Dhawan appeared for the respondents. As this is a very old case, we decide to dispose it of after perusing the materials on record and hearing Shri Dhawan.

5. In this connection, Shri Dhawan has invited our attention to the CAT Ernakulam Bench ruling M. Prabhakaran and Others Vs Union of India & Another, 1989 (10) ATC 225, wherein while interpreting rules 2017 and 2018-B - IRE Code it has been held that persons belonging to the 'open line' cadre of railways temporarily shifted to construction Wing and promoted there to higher Grades (while their seniors remained unpromoted in the 'open line' cadre), on repatriation and posting to their original cadre in the lower scale cannot get the benefit of this promotion.

(4)

while fixing their pay on promotion with the cadre. There are no materials to indicate that this judgement has been stayed, modified or set-aside, and this appears to have become final.

6. In the background of this judgement which is fully applicable in the present case it is not possible for us to accede to the applicant's prayer for regularisation as Wireman from 24.11.86 together with consequential benefits. This O.A. fails and is dismissed. No costs.



(Dr A. Vedavalli)
Member (J)



(S.R. Adige)
Member (A)

SSS