

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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O.A. NO. 89/93

DECIDED ON : 16-8-93

K. Veerachamy & Ors.

... Applicants

Vs.

Union of India & Ors.

... Respondents

CORAM :

THE HON'BLE MR. JUSTICE S. K. DHAON, V.C.(J)

THE HON'BLE MR. B. N. DHOUNDIYAL, MEMBER (A)

Shri B. S. Mainee, Counsel for Applicants

Shri Shaukat Matto, Counsel for Respondents

J U D G M E N T

Hon'ble Shri B. N. Dhoundiyal, Member (A) —

This application has been filed by Shri K. Veerachamy, Lineman, and seven others, namely, S/Shri Shyam Lal, Lineman; Pramod Kr. Shukla, Lineman; Ram Gopal, Khalasi; D. D. Sharma, Crane Driver; Rajeshwar Sharma, Khalasi; Sher Singh, Painter; and Chattani Shrinivas Rao, Lineman. The applicants are aggrieved by the order issued by the respondents dated 27.10.1992 regularising them in Class-IV (Grade Rs-750-940) even though they were recruited as casual artisens in the scale of Rs.950-1500 during 1982-83 and acquired temporary status in that grade during 1984-85. Some of them had been promoted to the next higher scale subsequently. According to them the instructions issued by the Railway Board permit regularisation of casual labourers to semi-skilled and skilled posts without being first selected as Class-IV staff. They have prayed that the impugned order seeking to revert them from Class-III to Class-IV posts may be quashed and the respondents be directed to regularise them in the posts they are holding for the last nine years.

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2. The main averments in the counter affidavit filed by the respondents are these — The applicants were appointed as daily rated casual artisans and were given scale rated wages on completion of 180 days' service. However, they had not passed any trade test/selection and were appointed as casual artisan only on the basis of the services rendered by them in IRON/RE MTP. They were granted temporary status after completion of 360 days and after passing the prescribed medical examination. However, in response to the circular dated 13.1.1989 they had applied ^{been} for regularisation against Class-IV vacancies and having ^{been} declared fit by the screening committee they were so regularised. The respondents have not denied that the applicants were appointed as casual artisan but they have contended that they are now working in Class-IV performing duties of electrical khalasi.

3. On 13.1.1993, this Tribunal passed an interim order directing the respondents to maintain status quo as regards continuance of the applicants in their present post and not to revert them to the post of Khalasi. This interim order continues till date and M.P. No. 1319/93 has been filed by the respondents for vacation of the interim order.

4. Learned counsel for the applicant appeared after the arguments were over and gave a list of citations which he wanted ^{us to} consider before giving the judgment. We have duly considered the citations^(*). It is an admitted fact that

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1. 1991 (3) SLJ (CAT) 391 : Satish Kumar Sharma & Ors. vs. Union of India & Ors.;
2. 1988 (4) SLR 271 : Nyadar Singh & M. J. Ninama vs. Union of India & Ors.;
3. 1990 (3) SLJ (CAT) 313 : M. V. Saibaba vs. Commissioner of Income Tax, AP-III, Hyderabad & Anr.; and
4. 1988 (1) SLR 72 : Hussain Sasansaheb Kaladgi vs. State of Maharashtra.

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employees recruited to a given scale cannot be reduced to a lower scale. In the case of Satish Kumar Sharma & Ors. (supra) cited by the learned counsel for the applicant decided by Jodhpur Bench of this Tribunal on 19.8.1991, it was held that casual labourers working in Class-III for long periods should be considered for Class-III as it would be harsh to ask them to go to Class-IV after working for six to eight years. However, in that case, all the applicants were diploma holders who were otherwise eligible for recruitment as skilled artisans. The applicants have not denied the averment made by the respondents that they applied for regularisation against Class-IV vacancies in response to the circular dated 13.1.1989. The impugned order dated 14.12.1989 only mentions that they have been found fit for regular appointment in Electrical Department, though it entitles them to the benefit of pension, group insurance etc. for which they were not entitled while working as temporary-status casual artisans. Hence, we do not find any fault with these orders as long as these do not affect the rights of the applicants as temporary artisans. Their cases for regularisation in Class-III on the basis of prescribed trade test can still be processed by the respondents. The application is, therefore, partly allowed in that the respondents are directed not to revert the applicants from their Class-III posts simply because they have been regularised against Class-IV vacancies.

5. With the above observations, this O.A. stands finally disposed of. No orders as to costs.

B. N. Dhoundiyal
(B. N. Dhoundiyal)
Member (A)

S. K. Dhaon
(S. K. Dhaon)
Vice Chairman (J)