

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1338 of 1996

Allahabad this the 6th day of June, 2002

Hon'ble Mr.C.S. Chadha, Member (A)
Hon'ble Mr.A.K. Bhatnagar, Member (J)

1. Kedar Nath Prasad S/o Shri Baboo Lal Prasad, aged about 37 years.
2. Tilak Raj S/o Shri Mast Ram, aged about 34 years.
3. Avadesh Kumar S/o Shri Raghu Nath Sahai, aged about 31 years.
4. Suresh Chandra S/o Shri Ganesh Lal, aged about 33 years.
5. Navin Kumar S/o Shri Radhey Shyam, aged about 36 years.
6. Anil Kumar Mishra S/o Shri Dwarika Nath, aged about 34 years.
7. Hans Nath Mishra S/o Shri Ram Dass Mishra, aged about 47 years.
8. Rajendra Prasad S/o Shri Sheo Shanker, aged about 38 years.
9. Sobh Nath S/o Shri Ram Jiawan, aged about 36 years.
10. Chandra Kishan S/o Shri Nand Lal, aged about 40 years.
11. Imamuddin S/o Shri Yaqub, aged about 21 years.

Chadha

All are working in Skilled Artisan Category grade Rs.950-1500/- (RPS) as Fitter(Applicant No.1), Wireman(Applicant No.2 to 8), Carpenter (Applicant no.9), Hammerman(Applicant No.10) and Mason(Applicant No.11) under Chief Signal Inspector/Works, Northern Railway, Allahabad.

Applicants

By Advocate Shri S.S. Sharma

Versus

1. Union of India owning and representing Northern Railway, Notice to be served to the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Administrative Officer/Construction, Northern Railway, Kashmere Gate, Delhi-6.
3. The Chief Signal & Telecommunication Engineer/Construction, Northern Railway, Baroda House, New Delhi.
4. The Divisional Rail Manager, Northern Railway, Allahabad.
5. The Dy.Chief Signal & Telecommunication Engineer/Construction, Northern Railway, Allahabad.

Respondents

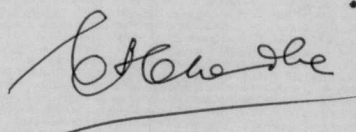
By Advocate Shri A.V. Srivastava

O R D E R

By Hon'ble Mr.C.S. Chadha, Member (A)

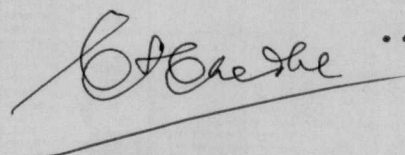
This O.A. has been filed seeking to get the services of the applicants regularised in group ^{'C'} posts of Skilled Artisan category in the

...pg.3/-



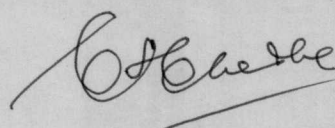
pay scale of Rs.950-1500/- (RPS), as Wireman, Carpenter, Hammerman, Mason etc. (each applicant according to his own category without being first regularised in group 'D' posts, as they have been working for a very long time in ad-hoc capacity in group 'C' posts as Skilled Artisans.

2. The brief facts of the case are that all the applicants (eleven in number) were engaged as semi skilled workers/casual labourers between 3.1.84 and 19.11.86 in the then grade of Rs.196-232/- (RS). They continued to represent for being absorbed in the grade of Rs.210-290/- (RS) as applicable to semi-skilled category. They went through the trade tests and viva voce tests as applicable to their category and were allowed the grade of Rs.210-290/- (R.S.) while according to them they should have been given the grade of Rs.260-400/- . Their continued representations led to the grant of the grade as applicable to Skilled Artisans of Rs.950-1500/-(RPS) in 1994. The applicants are now claiming that since they had been working for a very long time, even if in the ad-hoc capacity, as Skilled Artisans, in group 'C' posts of Rs-950-1500/- they should be directly regularised ^{to} in group 'C' posts, relying upon the principles laid down by the Apex Court in Indrapal Yadav's case (SCC L&S 1985 p.526). On the other hand the respondents claim that the applicants were all engaged initially as Project Labour and have to be regularised first in group 'D' posts in accordance

 ...pg.4/-

with seniority lists prepared in accordance with the directions given in Inderpal Yadav's case and thereafter they can be regularised in group 'C' posts in their due turn. The respondents have placed reliance on the Judgment in Union of India and another vs. Motilal and Others(1996 33 A.T.C. p.304), the Judgment of the Principal Bench of C.A.T. in O.A.Nos.2215/1995 and 2267/1996, L.P. Misra Vs. U.O.I. & Others, delivered on 21.11.1996, and of the Principal Bench of C.A.T. in Bholam Ram & Others Vs. U.O.I. & Others in O.A.N1957/92 delivered on 14.11.96. In all these Judgments the principle laid down is that long period of work in an ad-hoc capacity in group 'C' post does not entitle regularisation directly in such category. The concerned persons must first be regularised in group 'D' posts according to rules and vacancies and then regularised in group 'C' posts in their due turn, in accordance with their seniority in group 'D'. The same principle has been reiterated in the Full Bench Judgment, of the Principal Bench of C.A.T. given on 04.12.2000 jointly disposing of O.A.Nos.102, 103, 104, 106, 109, 111 and 189 all of 1997.


3. We feel that the circumstances of the present O.A. are similar to those decided upon in the above mentioned cases. Under the circumstances the applicants are not entitled to direct regularisation in group 'C' posts. They must first be regularised in group 'D' posts and in their due turn be regularised in group 'C' posts, in accordance with rules. However,

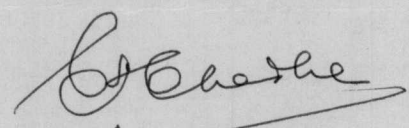


7: 5 ::

we direct that on such regularisation first in group 'D' posts they should ^{to not to} lose financially and therefore the pay they were drawing prior to such regularisation, should be protected.

4. The O.A. is accordingly disposed off with the above ^{direction to} ~~observations~~. No order as to costs.


Member (J)


Member (A)

/M.M./