

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 22nd day of January 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. RAFIQUDDIN, J.M.

O. A. No. 1008 of 1996.

1. Ajuddhi s/o Rajaram, Gangman, under P.W.I., N. Railway, Hathras, Distt. Aligarh.
2. Dwarika Prasad s/o Leeladhar, Gangman (now working as Gatekeeper, Gate No. 8HB) under P.W.I., N. Railway, Hathras, Distt. Aligarh..... Applicants.

Counsel for applicant : Sri K.S. Saxena.

Versus

1. The Union of India through DRM, N. Railway, Allahabad.
2. The Div. Supdt. Engineer(C), DRM Office, N. Railway, Allahabad.
3. The P.W.I., Northern Railway, Hathras Junction, Distt. Aligarh..... Respondents.

Counsel for respondents : Sri A. Tripathi.

ORDER (ORAL)BY HON. MR. S. DAYAL, A.M.

This application has been filed for a direction to the respondents to regularise the services of applicants as Gangman on the basis of screening done in the year 1973-74.

1. The applicants also seek consequent promotions and payments of arrears.

2. The case of the applicants is that they were engaged as Casual Labour on 26.7.1967 and 14.2.1968 respectively and given regular scale of pay of Gangman and have been continuously working as Gangman under P.W.I., Hathras. The applicants claim that they were screened in 1973-74 and that they were made to understand that they had been regularised. They continued to be on regular scale of pay. The applicants were not called to any

subsequent screening and they ^{were} called only in Nov. 1995 for being screened. They also claim that premium of group insurance was also deducted from the salary bills, which is deducted only from regular employees. The applicants did not appear at all the screening for which they were called by the respondents on 11.11.95 because the period of 28 years before their alleged regularisation counted as 14 years for pensionary benefits.

3. We have also seen the counter reply filed by the respondents. The respondents have stated that the applicants were appointed as a temporary Gangman under the PWI/B, Aligarh and allowed authorised scale in grade 70-1-85 w.e.f. 26.7.1967 and posted in permanent Gang 16 Dn. Maripat under P.W.I., Khurja and transferred to P.W.I., Hathras w.e.f. 3.1.1977. The respondents stated that screening of the employees was done in the year 1973-74 in which the applicants were not successful. The respondents have mentioned that it is not known whether the applicants were called for any subsequent screening because the records were not traceable in relation to screening test any held after 1973-74. The respondents are not in a position to state whether any screening test was held after the year 1973-74. It is admitted by the respondents that group insurance contribution is deducted from permanent employees and that the applicants were paying group insurance. The respondents have further stated that as soon as they came to know that these employees were not screened by the administration, they were called for screening test which was held on 11.11.1995. The respondents have also mentioned that the panel number of empanelment of the applicants in 1973 and 1974 was not traceable and the entries ^{not} could be made in the service record. They further stated that the same may be recorded as soon as possible when the panel will be traced out by the administration. The respondents have filed a suppli-

mentary counter reply in which they have annexed screening of casual labour of engineer department for group 'D' category of P.Way side in Phase-V dated 29.1.1997 in which result of paper screening held during the period 26.12.96 to 28.12.96, 30.12.96 to 31.12.96, 6.1.97 & 17.1.97 of casual labour/substitute of engineer department. The applicants were placed at Sl.No.2 & 4 and were declared fit and placed in the provisional panel for class IV in permanent way. It has also been mentioned in the supplementary counter reply that the applicants were allowed to work in permanent Gangman inadvertently and their group insurance was wrongly deducted from the salary continuously.

4. We have heard the arguments of Sri K.S. Saxena for the applicants and Sri A. Tripathi for respondents.

5. It is clear from the averments made in the counter reply that the applicants had been working on regular pay scale since their joining service in 1967 and 1968 respectively. Some screening was held in 1973-74, the record of which is not traceable. What a surprising it that the records of subsequent screening is said to be not traceable. The contention that the applicants failed in the screening of 1973-74 and at the same time that the panel number of empanelment of the applicants in 1973 and 1974 was not traceable and the panel number of the applicants will be entered in their service records as and when the panel records of 1973-74 is traced out is self contradictory. In the absence of the records of the panel of 1973-74, the bases of averments made that the applicants had failed is not known. Such averment obviously cannot be accepted. The fact that the applicants are paying group insurance contributions and they have been placed in permanent Gangman show that the applicants have been treated as

regular employees.

6. We, therefore, allow the claims made by the applicants and direct the respondents to regularise the applicants on the basis of screening of 1973-74 and grant them all consequential benefits, within a period of three months from the date of communication of this order.

There shall be no order as to costs.

Ratnadev

J.M.

Das

A.M.

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