

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1156 of 1997

Dated : This the 08th day of October, 2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.  
HON'BLE MR. D.R. TIWARI, MEMBER (A)

1. Ajay Kumar Gupta son of late Prem Narain Gupta,  
H.S.T.M. ( Highly Skilled Technical Mistry )  
Under Deputy Chief Engineer/ Construction, Jhansi.
2. Ayodhya Singh son of late Ishwar Prasad,  
H.S.T.M. ( Highly Skilled Technical Mistry )  
Under Deputy Chief Engineer/ Construction, Jhansi.

...Applicants.

By Advocate : Shri A.S. Diwaker

Versus

1. Union of India, Through Chairman Railway, Board,  
Ministry of Railways, Rail Bhawan, New Delhi.
2. General Manager, Central Railway,  
Mumbai, C.S.T.

... Respondents.

By Advocate : Shri P. Mathur

... Respondents

:: O R D E R ::

By Hon. Mr. Justice R. R. K. Trivedi, V.C.

We have heard Shri A.S. Diwaker, learned counsel for the applicant and Shri P. Mathur, learned counsel for the respondents.

2. By this O.A. under section 19 of Administrative Tribunal Act 1985 applicants have prayed for a direction to respondents to consider the claim of the applicants for regularisation as I.O.W. Grade III/ J.E. Grade II in the grade of Rs.1400-2300 in terms of the judgment dated 29.2.1996 delivered by C.A.T., Jabalpur Bench in O.A. No.398/1995.

3. The facts of the case are that applicants were appointed as Highly Skilled Technical Mistries. It was a new post created by Railway Board. The problem had arisen to absorb Highly Skilled Technical Mistries in a regular cadre. The Jabalpur Bench of this Tribunal by order dated 29.2.1996 gave following direction :

"...In view of the above facts and circumstances we direct the respondents to constitute a Screening Committee and consider the case of the applicants as permissible under the law as has been done by South Eastern Railway within four months from the date of communication of the order. There shall be no order as to costs. "

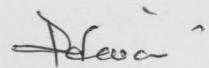
The aforesaid judgment of Jabalpur Bench of the Tribunal was challenged before Hon'ble High Court in Writ Petitions. The Writ Petition was dismissed on 30.10.2002. Against the judgment of Hon'ble High Court, Railway filed S.L.P. before Hon'ble Supreme Court. It is stated that S.L.P. has been dismissed on 29.08.2003. The Counsel for the applicant has placed before us a letter dated 17.09.2003 written by Chief Administrative Officer (Construction) Personnel Branch addressed to Deputy Chief Engineer (Construction) JHS,

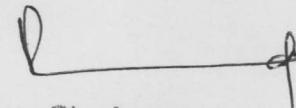
Jhansi. The contents of the letter show that screening test, as directed by the Tribunal, shall be conducted for regularisation of the applicants/ I.O.W. Grade III. As the dispute has been settled by order of the Hon'ble Supreme Court in S.L.P.(C) CC 6457-6458/2003 decided on 29.08.2003, The applicants are also entitled for the same relief.

4. The O.A. is accordingly disposed of with a direction to respondent no.2 to arrange screening test of the applicants for being absorbed as I.O.W./J.E. Grade 2 within a period of 3 months from the date a copy of the order is filed. The letter dated 17.9.03 produced by counsel for the applicants is <sup>in</sup> ~~not~~ part of the record.

5. There will be no order as to costs.

The copy of the order shall be given within two days to the counsel for the parties.

  
Member A

  
Vice-Chairman

Brijesh/-