

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Dated : This the 02nd day of JULY 2002

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman  
Hon'ble Maj Gen K.K. Srivastava, Member-A.

original Application no. 178 of 1997.

1. Sunil Kumar, S/o Sri Babu Lal,  
12-A, Bara Baghara, Post Teliyarganj,  
Distt. Allahabad.
2. Vinod Kumar Sharma, S/o K.L. Sharma,  
R/o 672 B, Smith Road, Railway Colony,  
Allahabad.

... Applicants

By Adv : Sri P Chandra

Alongwith

original Application no.273 of 1997.

1. RP Pathak, S/o DC Pathak
2. Shri Anant Prasad, S/o Sri R.A. Yadav
3. Rajesh Kumar Tiwari, S/o late Sri R.N. Tiwari
4. Ram Kewal, S/o late Shri Ram Sunder
5. Paras Nath, S/o Hanuman Prasad
6. Maharani Deen, S/o Shri Ram
7. Ram Tawankar, S/o Laudhar
8. Santosh Kumar Sahu, S/o Sri R.L. Sahu.
9. Ram Autar Singh, S/o Sri Babu Ram
10. Sant Ram, S/o Shri Buller
11. Ektidar Ali, S/o Evaj Ali
12. Lal Chand Mishra, S/o Sri SS Mishra
13. Ashok Kumar, S/o Sri Sat Narain

Deputy C.E.E. Upmjkhya Vidyut Abhiyanta Nirman,  
Allahabad Compus DRM Office, Allahabad.

... Applicants

By Adv : Sri P Chandra

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Versus

1. Union of India through D.R.M.  
Chief Administrative Officer (Const.),  
Northern Railway, Kashmiri Gate, Delhi-6.
2. The Chief Electrical Engineer (Const.),  
Northern Railway, Tilakbridge,  
New Delhi.
3. Deputy Chief Electrical Engineer (Const.)  
Northern Railway, Allahabad.

... Respondents  
(in both the OAs)

By Adv : Sri P Mathur

O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC.

In both the above OAs, the question of facts and law are similar and they can be disposed of by a common order against which counsel for the parties had no objection.

2. In the aforesaid OAs filed under section 19 of the A.T. Act, 1985, the applicants have prayed for direction to respondents to prepare seniority list of ITI certificates holders and non ITI holders of Khalasi, separately and promote the applicants (ITI certificate holders) in the post with the pay scale of Rs. 950-1500 for which they are entitled under law.

3. The facts of the case are that the applicant no. 1 passed ITI course in Black Smith from Audyogik Prashikshan Sansthan, Naini Allahabad. Applicant no. 2 in OA 178 of 1997 passed ITI course in Tool & Dye maker from the same institution. Other applicants also passed ITI course from different

institutions and they hold certificates in respect of different trades. The applicants joined Railways as casual khalasi between 1988 to 1989. In 1993 screening took place in which applicants were found suitable and were brought on provisional panel of Group 'D' post. They were issued posting orders subsequently. They were regularised as temporary khalasi in the grade of Rs. 750-940 on different dates under different orders. The claim of the applicants is that they are skilled workers and as they hold ITI certificates they ought to have been regularised against the post carrying the pay scale of Rs. 950-1500, which is the scale of group 'C' post. As the respondents refused to grant relief, applicants have approached this Tribunal.

4. Sri P. Mathur, learned counsel for the respondents has submitted that the aforesaid controversy has already been settled by a Full Bench Judgment of this Tribunal of Jaipur Bench in case of Aslam Khan Vs. Union of India & Others (O.A. no. 57 of 1996). In para 8 ~~and~~, the Full Bench answered the question referred as under :-

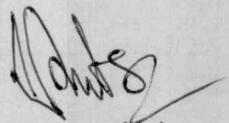
"On a consideration of the rules as also the administrative instructions, the Supreme Court has found that a daily wager or a casual worker against a particular post, who acquires a temporary status having worked against the said post for a specified number of days does not acquire a right to be regularised against the said post; he can only be considered for regularisation in accordance with the rules i.e he can be considered for regularisation only to Group-D post."

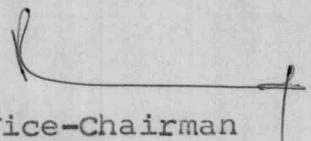
5. As the applicants joined as casual khalasi after

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screening, <sup>as</sup> They were regularised against group 'D' post, they cannot be directly regularised against group 'C' post, merely because they hold technical qualification and possess ITI certificate, they could not be directly regularised for a group 'C' post carrying pay scale of Rs. 950-1500. Both the OAs are covered by aforesaid judgment of Full Bench. The applicants are not entitled for the relief. The OAs are dismissed accordingly.

6. There shall be no order as to costs.

  
Member (A)

  
Vice-Chairman

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