

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 15th day of December, 2000

Original Application No. 626 of 1998

CORAM :-

Hon'ble Mr. Rafiquddin, J.M.

1. Shri Jai Shankar Bajapi,
S/o Shri Shiv Charan,
Aligner.
2. Shri Shri Kishan,
S/o Shri Patraj,
Grinder.
3. Shri Dev Narain,
S/o Shri Mohan Lal Singh,
Moulder.
4. Shri Ram Kirpal,
S/o Shri Hari Vansh,
Aligner-Cum-Welder,
5. Shri Sobran,
S/o Shri Gokul,
Welder.

All working under Asst. Engineer,
Northern Railway, Roorkee.

(Sri ABL Srivastava, Advocate)

. Applicants

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Moradabad.
3. The Assistant Engineer,
Northern Railway, Roorkee (U.P.)

(Sri Prashant Mathur, Advocate)

. Respondents

O R D E R

By Hon'ble Mr. Rafiquddin, J.M.

The applicants have approached this Tribunal for quashing the impugned order qua applicants and for issuing direction to the respondents to screen them for the post of Skilled Artisans and regularise them.

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as skilled Artisans from the date they are holding the post with all consequential benefits.

2. Brief facts of this case, which are relevant for the decision of this case, are ^R~~are~~ that the applicants were initially engaged as casual Skilled Artisans in the year 1979-80 on daily wages. The applicants claim that they had been working as Skilled Artisans like Aligners, Welders, Grinders, Moulders etc. from the very beginning. The applicants were duly medically examined in the year, 1981. However, the respondents fixed the salary of the applicants in the Grade of Rs.200~~0~~-250 instead of Rs.260-400 which is admissible to Skilled Artisans. The applicants continued to work as Skilled Artisans and received salary in the grade of Rs.200-250. Later on the representations submitted by the applicants, the respondents granted the applicants the correct and proper scale of Rs.260-400 from the year, 1985, being correct grade for the Skilled Artisans.

3. The grievance of the applicant^s is that despite having worked as Skilled Artisan for the last more than 15 years continuously and satisfactorily they have not been regularised as skilled Artisans in Group 'C'. On the other hand, the respondents have arbitrarily passed the order dated 20-5-1998 whereby the applicants are said to have been screened on the basis of record only for the post of Gangman which is the Unskilled Group 'D' post.

4. The applicants have, therefore, challenged the action of the respondents on the ground that the same is without any authority or rule because there is no rule to regularise and absorb an Skilled Artisan in Group 'D' post.

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5. Having heard learned counsel for the parties, I am satisfied that there is no merit in the present OA because the controversy involved in this case is fully covered by the Full Bench decision of Jaipur Bench of this Tribunal in the case of Aslam Khan Vs. Union of India and Others, passed in OA No.57/1996 on 30-10-2000.

6. The following question was referred to the Full Bench for decision :-

"Whether the person directly engaged on Group 'C' post (Promotional post) as casual basis and subsequently, acquired temporary status, would be entitled to be regularised on Group 'C' post directly or whether such person requires to be regularised in the feeding cadre in Group 'D' post by providing pay protection of Group 'C' post".


7. The Full Bench in the aforesaid order has answered the aforesaid question as under :-

"A person directly engaged on Group 'C' post (promotional post) on casual basis and has been subsequently granted temporary status would not be entitled to be regularised on Group 'C' post directly but would be liable to be regularised in the feeder cadre in Group 'D' post only. His pay which he drew in the Group 'C' post, will however be liable to be protected."

8. The claim of the applicants for regularisation directly on Group 'C' post is, therefore, rejected. It is, however, made clear that the respondents would protect pay of the applicants which they drew in the Group 'C' post as Skilled Artisans. **It is pertinent to mention here that the Full Court has considered the principles laid down by the Apex Court, in, "Union of India and another Vs. Motilal, 1996 (33), ATJ 304 and also the provisions contained in Para 2007 (3) of the**

IREM, 1990 which have also been relied upon by the applicants.

9. Consequently the OA is disposed of with the direction to the respondents to protect the pay of the applicants which they drew in Grade 'C' post as Skilled Artisans. The claim of the applicants for regularisation directly on Group 'C' post is, however, rejected. There shall be no order as to costs.


Member (J)

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