

THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

(1) Original Application No. 874/1992

Moti Lal & others

... Applicants

Vs

Union of India & others

... Respondents

Connected with

(2) Original Application No. 1606/1992

Hark Shanker and another

... Applicants

Vs

Union of India and others

... Respondents

(3) Original Application No. 1788/1992

Ram Lal

... Applicant

Vs

Union of India and others

... Respondents

(4) Original Application No. 1029/1993

Ram Prasad and others

... Applicants

Vs

Union of India and others

... Respondents

(5) Original Application No. 1030/1993

Ram Kripal

... Applicant

Vs

Union of India and others

... Respondents

(6) Original Application No. 1031/1993

Mahabali and others

... Applicants

Vs

Union of India and others

... Respondents

HON'BLE MR JUSTICE R K VARMA, V.C.

HON'BLE MISS USHA SEN, A.M.

W.L.W

(By Hon. Miss Usha Sen-- Member Administrative)

In these applications, the applicants have sought the relief of quashing the order of the respondents asking them to work on the lower post of Gangman (Rs.775/- to Rs.1025/-) from the existing post viz., Mate (Rs.950/- to Rs.1500/-) and transferring them from their present station of posting consequent to this change of post. They have also sought the relief to direct the respondents to regularise them as Mate and allow further promotions thereafter as per rules.

2- Briefly stated the facts of the case are as under:

3- The applicants were either initially engaged as

Casual Mate or as Casual Gangman/Khalasi but later made
under the Sr. Civil Engineer/Construction, N.Ry., Alibundur
to work as Mate. All of them were granted temporary status
as Mate. This is admitted even by the respondents as would
be evident from a reading of paras 24 and 48 of the Counter
Affidavit. From the evidence on record it is seen that
they were granted temporary status w.e.f. 1.1.83 or 1.1.84.

4- According to the respondents the post of Mate is
a promotional post and these posts cannot be filled on a
regular basis except by promotion from the lower grades
of Gangman/Sr. Gangman/Keyman/Sr.Keyman. Hence, it was
necessary to first regularise the applicants in the lower
grade of Gangman before they could at all have a chance
for regularisation as Mate. As such they were screened in
this lower post of Gangman and transferred out of station

to work on this post.

5- Prima-facie it would appear unfair and against the principles of natural justice that a person who has been working for several years in a higher post be asked to suddenly step down to a lower post in order to qualify him for promotion to the very post from which he is brought down. Besides, the counsel for the applicants stated during the course of hearing that sub-paro (3) of para 2007 of the Indian Railway Establishment Manual already provides for direct absorption of casual skilled and semi-skilled categories to the extent of 25% of the vacancies reserved for departmental promotion from the unskilled and semi-skilled categories provided such casual employees have passed the requisite trade test. We have seen this provision and direct the respondents that the applicants shall not be asked to perform duties of the lower post of Gangmen in order to make them eligible for further promotion to the post of Mate which post they already hold with temporary status, but to regularise them in the post of Mate under the provisions of para-2007(3) ibid provided or or after they have qualified in the requisite trade test. The impugned order in each of the applications asking the applicant/s to work as Gangmen is set aside, and each of the applicant shall be allowed to continue to work as Mate as before. With these orders the applications are disposed of. No order as to the

U.L.

costs.

A copy of this judgment shall be placed on record in
the case file of each petitioner.

MEMBER -A

VICE CHAIRMAN

DATED: Allahabad, January 28th, 1994.

(IS PS)
