

O.A. No. 441/92

VS.

Hon. Mr. K. Obayya, A.M.

2. From the pleadings of the respondents it appears that the applicant was appointed initially under T.C.I. (Microwave) Construction, Central Railway, Jabalpur on 28/8/79 as Casual Motor Driver and worked upto 18/5/1980 as per service cards. From 16/3/81 he was engaged as Casual Labour/fitter under divisional Engineer Electrical, Construction, Jhansi on daily wages and worked from 16-3-81 to 31-3-81. From 1-4-81 he was engaged as Casual Labour Motor-Mechanic upto 31-12-84. After completing the requisite number of days and passing the medical examination he was given

M.R.C.L. status in the grade of Rs.260400 w.e.f. 1-1-85. He was granted temporary status w.e.f. 1-1-84 vide letter dated 21-3-86 in terms of Railway Board's letter dated 1-6-84. Vide letter dated 11-9-86 he was granted temporary status w.e.f. 1-1-84 by Railway Board.

3. According to the applicant, who possesses a Driving Licence, was called for Trade Test of Driver in the grade of Rs.950-1500 on 15/21-1-81 and that he was performing the said duty without any interruption for the last 10 years. His grievance is that instead of regularising his service in the said grade in which he was initially recruited in the year 1981, he has been reverted as Khalasi in spite of the fact that the vacancy of the said post is still existing under the respondents and the same has not been surrendered or filled and the applicant has been holding the said post.

4. According to the respondents, so far as this particular grade is concerned, a selection took place. Unless he passes the selection test he cannot claim the same grade. Applications were invited for filling the said grade of Group 'C' posts vide notification dated 17-6-90 and regular class IV employees who got regular 3 years service as also the Casual Labourers with 3 years' service were allowed to apply for the same. It was mentioned that the persons who apply may hold a valid driving licence. The applicant also applied for the same. He also appeared in the selection test but he was not screened for regularisation in Class IV employee's post,

as has been alleged. These applicants were again called on 13-6-92, to appear in the trade test for the post of Mini Bus Driver in Group 'C'. Because the said test was cancelled, another test was held. The applicant also appeared in the test without any protest. Decasualisation scheme was enforced in the year 1989. The applicant did not fulfil the minimum eligibility qualification for being considered for decasualisation and as such his case was not considered.

5. As he was screened in the year 1990 for Class IV grade, the scheme of decasualisation has no relevance. It appears that although the applicant was a Class IV employee he was performing the duties of a Class III employee. The applicant was also allowed to appear in the trade test. If he was not eligible in the year 1989, certainly he would have become eligible in the year 1992. He having qualified, the result can be declared and in case he is otherwise qualified and found fit his promotion in Group 'C' post can be given and his services can be regularised. With the above observations the application stands disposed of. No order as to the costs.


Member (A)


Vice-Chairman.

Dated: 20th January, 1993, Allahabad.


(tyk)


O.A. No. 441/92

20-1-93. Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Gbayer, A.M.

As the pleadings are complete, the case is disposed of after hearing the Counsels for the parties. Judgement has been dictated in the open Court.

(tgk)


Member (A)


Vice-Chairman.