

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

O.A. No. 282 of 1993

Date of decision : 16.10.2000

Mr. Ashabha Som : Petitioner [s]

Mr. P. H. Pathak : Advocate for the petitioner [s]

Versus

Union of India & Ors. : Respondent [s]

Mr. N.S. Shevde : Advocate for the Respondent [s]

CORAM :

THE HON'BLE MR. A. S. SANGHAVI : MEMBER (J)

THE HON'BLE MR. G. C. SRIVASTAVA : MEMBER (A)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the judgment? ~
2. To be referred to the Reporter or not? ~
3. Whether their Lordships wish to see the fair copy of the judgment? ~
4. Whether it needs to be circulated to other Benches of the Tribunal? ~

Ashabha Som
C/o. Association of Railway
& Post Employees,
Alap Flats, Opp. Anjali Cinema,
Vasna Road, A'bad - 7.

= Applicant =

Advocate : Mr. P. H. Pathak

Versus

1. Union of India,
Notice to be served through,
Divisional Engineer (II),
W. Rly., Kothi Compound,
Rajkot.
2. Permanent Way Inspector,
W. Rly., Nr. Railway Station,
Prantij.

= Respondents =

Advocate : Mr. N. S. Shevde

JUDGMENT
O.A 282 of 93

Date : 10/2000

Per Hon'ble Shri. A.S. Sanghavi : Member (J).

Heard Mr. P. H. Pathak for the applicant and Mr. Shevde for the respondents. The applicant contending that he was recruited as Gangmate in 1974 and has been working as Gangmate since then has challenged the verbal direction of respondent no.2 to work as Gangman and contends that the said direction is illegal and unconstitutional being in violation of Articles 14 and 16 of the constitution. According to Mr. Pathak, the learned advocate appearing for the applicant such directions of the respondents to work as Gangman amounts to reversion of the applicant without assigning any reason and therefore, the order requires to be quashed.

Mr. Pathak has also relied upon decision in the case of Shri. Masangji Jivaji V/s. UOI decided by this Tribunal in O.A 62 of 90 and has submitted that the decision applies with full force to the facts of the instant case and this O.A also requires to be decided in the same manner.

2. In O.A 62 of 90 (Supra) similar question of Gangmate being asked to work as Gangman had arisen. The applicants therein were offered regularisation to group 'D' category as Railways had taken the line that there were no rules for direct recruitment to class-III category. The applicant therein had taken the stand that they should be offered regularisation in group 'C' category as they were recruited in group 'C' category. Relying on the decision of the Hon'ble Supreme Court in the case of Ramkumar and Ors. V/s. UOI reported in 1996 (1) SLJ 116, this Tribunal had directed the Railway administration to regulate the claim of the applicant therein for regularisation in group 'C' level in terms of the law laid down by the Supreme Court in the case of Ramkumar and take further action accordingly. It is also directed that they shall intimate to the applicant the decision taken thereon and the process should be completed within three months from the date of receipt of the copy of the order.

3. Mr. Shevde, learned advocate for the respondents has no objection if similar directions are given to the respondents in the instant case. Under the circumstances, we adopt the reasoning given in O.A No. 62 of 90 and direct the Railway administration to regulate

the claim of the applicant for regularisation in group 'C' level in terms of the law laid down by the Supreme Court in the case of Ramkumar and take further action accordingly. They are also directed to intimate the applicant the decision taken thereon and the process be completed within three months from the date of receipt of the copy of this order. With this direction, this O.A stands disposed of with no order as to costs.

G.C. Srivastava
(G.C. Srivastava)
Member (A)

A.S. Sanghavi
(A.S. Sanghavi)
Member (J)

Mb

(See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AHMEDABAD BENCH

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Ashaiha Sam

APPLICANT(s)

VERSUS

W.C. II 3

RESPONDENT(s)

I N D E X - S H E E T

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	<u>10' part</u>	<u>16 page</u>

Certified that the file is complete in all respects.

py/11102

Signature of S.O. (J)

ml

Signature of Dealing Hand.