

(91)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

Date of decision : 17.3.1998

O.A. No. 270/95

Onkar son of Shri Ram Bali, aged 37 years, Carpenter under Inspector of Works (C), Northern Railway, Bikaner, R/o. Q.No. 153/D, Railway Colony, Lalgarh, Bikaner.

... Applicant.

v e r s u s

1. Union of India through General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. Chief Administrative Officer (Construction), Northern Railway, Kashmeri Gate, Delhi.
3. Dy. Chief Engineer (Construction), Northern Railway, 30, Civil Line, Bikaner.
4. Divisional Railway Manager, Northern Railway, Lucknow.

... Respondents.

CORAM :

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

...

Mr. Y.K. Sharma, Counsel for the applicant.

Mr. S.S. Vyas, Counsel for the respondents.

O R D E R

(PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN)

Applicant, Onkar, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents for the regularisation of his services on the post of Carpenter scale Rs. 950-1500 (RPS).

2. We have heard the learned counsel for the parties and have perused the material on record.

3. The applicant's case is that he was engaged as a casual labour Carpenter on 1.2.1978 in the open line under the Permanent Way Inspector, Faizabad. The applicant was transferred to Bikaner in the Construction Wing in the year 1983 and since then he has been working as Carpenter under the administrative control of the respondent No. 3. The applicant was reverted as Khalasi for a short period and again promoted as Carpenter. The basic pay

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of the applicant in the scale of Rs. 950-1500 is Rs. 1175/-. The contention of the applicant is that since he was appointed as Carpenter in group 'C' category, has been trade tested for the post and has been found medically fit for the same, his services on the post of Carpenter ought to be regularised. On the contrary, the respondents have stated that the applicant was engaged initially as a casual labour and without being regularised in group 'D' category, he cannot be considered for promotion on regular basis to a group 'C' category. It is also contended by the respondents that the applicant is not entitled to be regularised directly on the post of Carpenter as per the existing rules for regularisation of casual labourers.

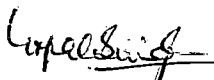
4. The learned counsel for the applicant has drawn our attention to the instructions of the Railway Board dated 9.4.1997, para-3 of which reads as follows:-

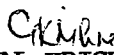
"3. The question of regularisation of the Casual Labour working in Group 'C' scales has been under consideration of the matter. After careful consideration of the matter, Board have decided that the regularisation of Casual Labour working in Group 'C' scales may be done on the following lines :

- i) All casual labour/substitutes in Group 'C' scales whether they are Diploma Holders or have other qualifications, may be given a chance to appear in examinations conducted by RRB or the Railways for posts as per their suitability and qualification without any age bar.
- ii) Notwithstanding (i) above, such of the Casual Labour in Group 'C' scales as are permanently entitled for absorption as Skilled artisans against 25% of the promotion quota may continue to be considered for absorption as such.
- iii) Notwithstanding (i) and (ii) above, all casual labour may continue to be considered for absorption in Group 'D' on the basis of the number of days put in as casual labour in respective units."

5. The applicant's contention is that his case falls within the ambit of item (ii) of para-3 of the Railway Board's instructions dated 9.4.1997, referred to above.

6. In the circumstances, we direct ~~that~~ the respondents to consider the case of the applicant for regularisation in a Group 'C' post against 25% quota, as prayed for by him, in terms of the provisions contained in para-3 of the Railway Board's circular dated 9.4.1997, referred to above, subject to his passing the suitability test as per his turn and seniority and subject to the availability of vacancy. The OA stands disposed of accordingly with no order as to costs.


(GOPAL SINGH)
Adm. Member


(GOPAL KRISHNA)
Vice Chairman

Recd
19-3-98

21/3/98
[Signature]
19/3/98

Part II and III destroyed
in my presence on 02-4-04 (T-4-04)
under the supervision of [Signature]
Section Officer as per
order dated 22-1-03.

[Signature]

Section officer (Record)