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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 25.3.98

OA 283/95

Yogesh Chandra Srivastava, Painter under Inspector of Works (Construction), Lalgarh, Bikaner.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Administrative Officer (Construction), Northern Railway, Kashmeri Gate, Delhi.
3. Dy.Chief Engineer (Construction), Northern Railway, Bikaner.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Y.K.Sharma

For the Respondents

... Mr.V.D.Vyas

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Yogesh Chandra Srivastava, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, mainly praying for regularisation of his services as a Painter scale Rs.950-1500 (RPS).

2. We have heard the learned counsel for the parties and have gone through the records of the case.

3. Applicant's case is that he was engaged as a casual labour Painter on 7.4.81 under the Permanent Way Inspector (Construction), Suratgarh. Temporary status was conferred upon the applicant. He also passed the medical examination for appointment to the post of Painter on 31.12.86, held by the Divisional Medical Officer, Hanumangarh. Since the railway administration formulated a policy of subjecting a Casual Labour holding temporary status to screening for regularisation in a Group-D post, the applicant had to file the present application. The respondents have categorically stated that the applicant was initially engaged as a daily rated Painter.

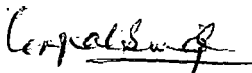
4. The learned counsel for the applicant has drawn our attention to the instructions of the Railway Board dated 9.4.97, para-3 of which reads as follows :-


"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 presently 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. Applicant's contention is that his case falls within the ambit of item (ii) of para-3 of the Railway Board's instructions dated 9.4.97, referred to above.

6. In the circumstances, we direct the respondents to consider the case of the applicant for regularisation in the post of Painter (a Group'C' post) against 25% promotion quota in terms of the provisions contained in para-3 of the Railway Board's circular dated 9.4.97, referred to above, subject to his passing the suitability test as per his turn and seniority and subject to the availability of vacancy. This application stands disposed of accordingly with no order as to costs.


(GOPAL SINGH)
ADM.MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

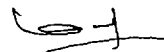
VK

Recd.

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Part II and III destroyed
in my presence on 15.4.2004
under the supervision of
section officer (I) as per
order dated 22/12/2003


Section officer (Record)