

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

O.A. No. : 137/1995

Date of Order : 8/1/99

Mahesh Chandra S/o Shri Netra Pal, aged about 37 years working as Black Smith under the Permanent Way Inspector (C), Northern Railway, Osiyan, resident of Q. No. 2160, New Railway D.S. Colony, Jodhpur.

..Applicant.

Versus

1. Union of India through the General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. The Chief Administrative Officer (Construction), Northern Railway, Kashmiri Gate, New Delhi.
3. The Dy. Chief Engineer (Construction) - 1, Northern Railway, Jodhpur.
4. The Dy. Chief Engineer (Construction), Northern Railway, Chandigarh.

..Respondents.

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

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

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

PER HON'BLE MR. GOPAL SINGH :

Applicant, Mahesh Chandra, has filed this application under section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to regularise the services of the applicant as Black Smith grade Rs. 1200-1800 (RPS) with all consequential benefits.

2. Applicant's case is that he was initially engaged as Casual Labour (Khalasi) on 04.01.1978. That the applicant was utilised as Black Smith from 24.10.1982. That the applicant was promoted to the scale of Rs. 1200-1800/- (RPS) with effect from 02.07.1994 on ad hoc TLA basis. It is the contention of the

(Gopal Singh)

..2.

applicant that he is being asked to appear for screening for group 'D' post and it is the apprehension of the applicant that he may be reverted to group D post. A perusal of the service book of the applicant indicates that he was medically examined on 19.9.1984 and found fit in B-I category. The applicant was granted temporary status with effect from 01.01.1984, his paper lien has been fixed in Delhi Division. It is the contention of the applicant that he has been working as Black Smith right from the date of his initial appointment and, therefore, he seeks regularisation on the post of Black Smith. Having failed to get redressal of his grievances, the applicant has approached this Tribunal.

3. Notices were issued to the respondents and they have filed their reply.

4. We have heard the learned counsel for the parties and perused the record of the case carefully.

5. The learned counsel for the applicant has produced before us Railway Board Circular dated 09.04.1997 which envisages regularisation of Casual Labour working in group 'C' scales. Relevant portion of the said circular is extracted below :-



" 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. :-

- 1) 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."

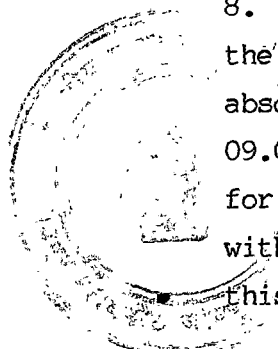
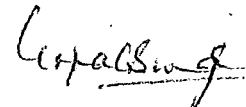
Carpal Singh

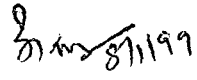
6. Learned counsel for the respondents has produced before us the Railway Board Circular dated 02.02.1998 under which the procedure for filling up the posts of skilled Artisan against 25% quota has been laid down. Both the circulars have been taken on record. It is seen from the circular dated 02.02.1998 that eligible employees will have to appear for selection for regularisation on group 'C' post. It is also clear from para 3 (ii) of the Railway Board Circular dated 09.04.1997, that 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.

7. In the light of what has been stated above, we are of the view that the applicant deserves consideration for regularisation for skilled Artisan against 25% of the promotion quota.

8. The OA is accordingly disposed of with the direction to the respondents to consider the case of the applicant for absorption as Black Smith as per Railway Board Circular dated 09.04.1997 and 02.02.1998 subject to his passing selection test for the same as per rules and as per his turn and seniority, within a period of 3 months from the date of issue of a copy of this order.

9. The parties are left to bear their own costs.



(GOPAL SINGH)
MEMBER (A)


(A.K. MISRA)
MEMBER (J)

R/K
13/11/99

Recd
13/11/99

Part II and III destroyed
in my presence on 26.6.06
Under the supervision of
Section Officer (1) as per
Order dated 16.1.06

Section Officer (Record)