

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 19.11.1998

O.A. No. 408/1996

Tula Ram Son of Shri Shiv Dayal aged about 49 years working as Mate in the pay scale of Rs. 950-1500 (RPS) under the Deputy Chief Engineer (Construction), Northern Railway, Suratgarh, resident of quarter No. 33-B, Railway Colony, Suratgarh.

... Applicant.

v e r s u s

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

... Respondents.

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

Mr. R.K. Soni, Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. Gopal Krishna)

Applicant, Tula Ram, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents for his absorption on the post of Mate grade Rs. 950-1500.

2. We have heard the learned counsel for the parties and have carefully gone through the records of the case. Parties' counsel have agreed to this matter being disposed of at the stage of admission.

3. Applicant's case is that he was appointed as Mate and was conferred temporary status on that post. Thereafter, he was medically examined on 12.12.96 and found fit in 'B-1' category. However, the respondents conducted a screening for according regular appointment as Gangman. A provisional panel was drawn up and since the post of Gangman is lower than that of Mate, the applicant alongwith others filed O.As before this Bench of the Tribunal. The Tribunal had passed following ^{the} order on 27.9.1991 :-

"Accordingly, we allow these applications in part and set aside the provisional panel (Anx. II), qua the applicants and direct that the respondents shall not appoint them as Gangman. The applicants will be free to pursue their claim for regularisation as Mates separately. No order as to costs."

It is stated by the applicant that despite the directions of the Tribunal, the respondents have now issued an order at Annexure A/1 fixing the lien of the applicant as Gangman under the Assistant Engineer, Bikaner. The contention of the applicant is that the respondents cannot appoint him as Gangman and that he deserves to be regularised on the post of Mate. On the contrary, the respondents have stated that the post of Mate is a promotional post and the continuance of the applicant as a Mate does not entitle him to be regularised on that post.

4. It is an undisputed fact that it is ^{not} permissible to appoint a person directly as a Mate since the post of Mate is a promotional post from Class IV. It has been categorically stated by the respondents in their reply that the applicant was appointed initially as a Casual Labour / as a daily rated Mate on 15.12.1976 under PWI/C/Suratgarh in the grade of Rs. 950-1500 (RPS). The lien of the applicant has already been fixed in the post of Gangman from which post he may be promoted as per his turn in accordance with the rules to the post of Mate. It has been further stated by the respondents that the applicant was granted the grade of Rs. 950-1500 (RPS) with effect from 1.1.1986 as per rules.

O/A/1991

5. In the result, this application is disposed of with a direction to the respondents to consider the case of the applicant for promotion as Mate as per his turn in accordance with the rules. No order as to costs.

Gopal Singh

(Gopal Singh)
Adm. Member

Gopal Krishna

(Gopal Krishna)
Vice Chairman

CVR.

PF/Copy
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23/11/98.

Final copy
23/11/98

Part II and III destroyed
in my presence on 24.11.98
under the supervision of
section officer (J) as per
order dated 20/11/2006

Section officer (Record)