

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 10.2.98

OA 139/97

Nageshwar, Hammerman under PWI (C), Northern Railway, Suratgarh.

... Applicant

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Administrative Officer (C), Northern Railway, Kashmiri Gate, Delhi.
3. Dy.Chief Engineer (C), Northern Railway, Bikaner.
4. Divisional Railway Manager, Northern Railway, Bikaner.
5. Permanent Way Inspector (C), Northern Railway, Suratgarh.

... 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.S.S.Vyas

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Nageshwar, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, for seeking a direction to the respondents to consider the regularisation of his services on the post of Hammerman grade Rs.950-1500 (RPS). It is also claimed that the respondents be directed to judge the applicant's suitability for a Group-C post.

2. We have heard the learned counsel for the parties and have perused the material on record. The counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. The applicant was initially engaged as a casual labour daily rated Mason on 18.7.81 and he worked as such upto 31.12.83. Thereafter, he worked as Khalasi and Blacksmith Khalasi etc. On completion of 360 days continuous service and ^{on} being declared medically fit in B-1 category, he was granted temporary status as Gangman in the grade Rs.200-250. Thereafter, he was allowed to work as temporary status holder Hammerman w.e.f. 27.2.86 on TLA basis. It is categorically stated by the respondents in their reply that the applicant's services were utilised as temporary status holder Hammerman grade Rs.260-400 on TLA basis and accordingly due to the revision of pay scale of Hammerman i.e. from Rs.260-400 to that of Rs.950-1500 as per the ^{Civil} recommendations of the 4th Central Pay Commission, the applicant's fixation of pay in

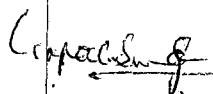
the revised pay scale was done. The applicant's grievance is that he has been screened for a Group-D post for regularisation therein. The contention of the respondents is that the applicant is not entitled for regularisation in Group-C post. The learned counsel for the applicant has drawn our attention to the instructions of the Railway Board dated 9.4.97, para-3 of which reads as follows :-

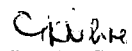
"3. The question of regularisation of the Casual Labour working in Group 'C' scales has been under consideration of the matter. After careful consideration of the matter, Board have decided that the regularisation of Casual Labour working in Group 'C' scales may be done on the following lines :

- 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."

4. 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 9.4.97, referred to above.

5. In the circumstances, we direct the respondents to consider the case of the applicant for regularisation against the Group-C post of Hammerman against 25% promotion quota, if he is found to be senior enough and if he falls within the zone of consideration depending upon the availability of vacancy as per rules. The Order stands disposed of accordingly with no order as to costs.


(GOPAL SINGH)
ADM. MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK

9/21/2003
10:55 PM
[Signature]

10/21
5/25/03

Part II and III destroyed
in my presence on 25-3-2004
under the supervision of
section officer (I) as per
order dated 22/12/2003

[Signature]
Section Officer (Record)