

Central Administrative Tribunal
Jodhpur Bench, Jodhpur

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Date of order :06.02.2001

ORIGINAL APPLICATION NO. 57/99

Ram Lal S/o Shri Bhagwan Das, aged about 42 years,
working as Fitter, Grade Rs. 950-1500 (RPS), under
the Signal Inspector (C), Northern Railway, Jodhpur,
R/o 33, Polo First, Paota, Jodhpur.

..... Applicant.

versus

1. Union of India through the General Manager,
Baroda House, H.Q. Office, Northern Railway,
New Delhi.
2. The Divisional Railway Manager, Northern Railway,
Jodhpur.
3. The Deputy Chief Signal Telecom Engineer (C),
Tilak Bridge, New Delhi.
4. The Signal Inspector (C), Northern Railway,
Jodhpur.

..... Respondents.

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CORAM :

HON'BLE MR. A.K. MISRA, JUDICIAL MEMBER

HON'BLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

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

Mr. S.S. Vyas, Grief holder for Mr. K.K. Vyas, Counsel for
the respondents.

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ORDER

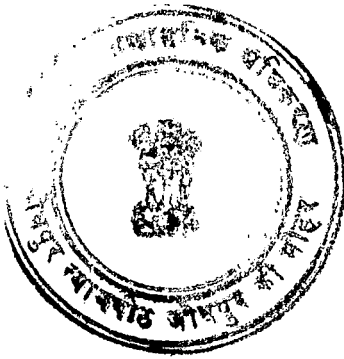
PER MR. A.K. MISRA :

The Applicant had filed this application with the prayer that the respondents be directed to regularise the services of the applicant as Fitter in the grade of Rs. 950-1500 (RPS), with all consequential benefits in terms of Annex.A/4.

2. Notice of the application was issued to the respondents who have filed their reply to which no rejoinder was filed by the applicant.

3. We have heard the learned counsel for the parties and have gone through the case file.

4. From the pleadings of the parties, it appears that initially applicant was engaged as a Casual Fitter on 9.5.78 and was issued a casual labour card. The applicant was medically examined by the respondents and was granted temporary status w.e.f. 1.1.83 as per rules. It is stated by the respondents that applicant was engaged as casual fitter in the exigencies of work on temporary local arrangement basis but it is denied by the respondents that any trade test was conducted in the year 1985. and the result of the trade test was withheld by the respondents. The claim of the applicant that he has been working on the post of Fitter since 20 years is also denied by the respondents. There is



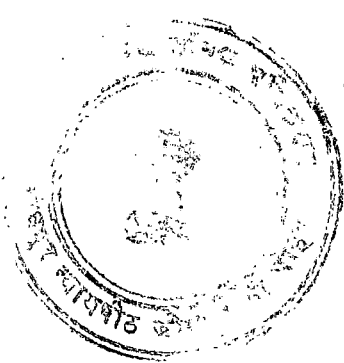
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no dispute that post of the Fitter is a Group 'C' post.

5. It was argued by the learned counsel for the applicant that in view of the continuous utilisation of the services of the applicant on the post of Fitter which is a group 'C' post, the applicant is entitled to regularisation on that post. On the other hand, it was argued by the learned counsel for the respondents that long utilisation of an employee on a higher post, does not entitle him to such regularisation. He has also argued that in view of the order passed in Aslam Khan's case, a person who was directly appointed on casual basis on Group 'C' post is not entitled to regularisation, long years of working notwithstanding.



6. We have considered the rival contentions. In our view, the controversy in the instant case would be regulated as per the Full Bench decision of the Central Administrative Tribunal rendered in OA No. 57 of 1996 dated 30.10.2000 - Aslam Khan Vs. U.C.I. & Ors.

7. In the aforesaid case, after discussing the position of a person who was directly engaged on a Group 'C' post, it was held by the Full Bench as follows :-

"A person directly engaged on Group-C post (Promotional post) on casual basis and has been subsequently granted temporary status

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would not be entitled to be regularised on Group-C post directly but would be liable to be regularised in the feeder cadre in Group-D post only. His pay which he drew in the Group-C post, will however be liable to be protected.*

8. In this case also, the applicant was engaged on temporary local arrangement basis as a casual Fitter which is a promotion post from amongst the Group 'D' employees, therefore, the applicant cannot directly claim to be regularised on the post of Fitter in terms of the Aslam Khan's judgement.

9. From the reply of the respondents, it is also clear that the applicant was regularised in Group 'D' post in the year 1994 as a Khalasi. Thereafter, the applicant was asked to appear in trade test relating to helper which was held on 26.3.99 in which the applicant did not appear. In view of this also, the applicant cannot directly claim to be regularised on the Group 'C' post. His claim seeking regularisation on a Group 'C' post is to be dealt with only as per rules, and not as per his long and continuous working on that post.

10. In view of this, the O.A. of the applicant for regularisation in terms of order Annex.A/4 on a Group 'C' post bears no merit and ^{OA}deserves to be dismissed. The O.A. is, therefore, dismissed.


(GOPAL SINGH)
Adm.Member


(A.K.MISRA)
Judl.Member

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Part II and IM destroyed
in my presence on 21-2-07
under the supervision of
section officer as per
order dated 19/2/07

Section officer (Record)
[Signature]