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CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.

Date of Order : 20.04.2001

ORIGINAL APPLICATION NO. 151/1999.

Bhuvneshwar Prasad S/o Sh. Ram Dayal, aged about 48 years, working as Hammer-man in the office of Signal Inspector (C), Northern Railway, Jodhpur resident of Office of Signal Inspector (C), Northern Railway, Jodhpur.

APPLICANT ..

VERSUS

1. Union of India through, the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Administrative Officer, (Construction) Northern Railway, Kashmiri Gate, Delhi.
3. Dy. Chief Signal and Telecom Engineer (Construction) Tilak Bridge, New Delhi.
4. The Signal Inspector (Construction), Northern Railway, Jodhpur.
5. The Divisional Personnel Officer, Northern Railway, New Delhi.

RESPONDENTS ..

Mr. Y. K. Sharma, counsel for the applicant.
Mr. Sumesh Vyas, Adv. Brief holder for
Mr. K. K. Vyas, counsel for the respondents.

CORAM

Hon'ble Mr. Justice, B. S. Raikote, Vice Chairman.
Hon'ble Mr. Gopal Singh, Administrative Member.

ORDER

(per Hon'ble Mr. Gopal Singh)

In this application under section 19 of the Administrative Tribunals Act, 1985, applicant Bhuvaneshwar Prasad has prayed for a direction to the respondents to regularise the service of the applicant as Hammer-man

Gopal Singh

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in grade 950-1500 with effect from 01.01.1986 and pay him the difference of pay and allowances along-with interest at the rate of 18% per annum.

2. Applicant's case is that he was engaged as a Casual Labour on 30.01.1975 in the Delhi Division of Northern Railway. The applicant was granted temporary status on 01.01.1981 and was promoted as Hammer-man with effect from 15.11.1983 in the grade of Rs. 950-1500, but the applicant is being paid the wages in the Group-D, in the pay scale of Rs. 750-940 and 850-1150, it has also been contended by the applicant that though he has been working on the post of Hammer-man since 15.11.1983, he has not so far been regularised on the post of Hammer-man. The applicant had represented this case to the respondents on 25.09.1998 (Annexure A-1) but to no avail. Hence this application.



3. In the counter, it has been stated by the respondents that the applicant was utilised on the post of Hammer-man on Adhoc basis under Temporary Local Arrangement (TLA) in the construction organisation and he was paid pay and allowances in the pay scale of Rs. 800-1150 with effect from 01.01.1986. It has also been pointed out by the respondents that the pay scale of Rs. 950-1500 was given to the category of Hammer-man in the construction organisation with effect from 17.09.1991, in accordance with ps No. 9524 and the applicant has also been given the pay scale of Rs. 950-1500 with effect from 17.09.1991 and corresponding pay scale of Rs. 3050-4590 with effect from 01.01.1996.

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The respondents have stated that the applicant ~~is~~ continues to work on TLA basis and his case for regularisation on the post of Hammer-man would be considered as per his turn and seniority, subject to availability of a post.

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

5. It is seen that the applicant is holding a lien on a Group-D post of Khallasi in Delhi division of Northern Railway and he is working on the post of Hammer-man in construction organisation. The question of regularisation of a casual labour on a Group-C post directly was considered by the Full Bench at Jaipur of the Central Administrative Tribunal in OA No. 57/1996 decided on 30.10.2000.

In that case, the Full Bench held as under :-



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

6. In the case in hand, the applicant holds a lien in the Divisional Office and is working on Group-C post in the construction organisation on Temporary Local Arrangement basis. In our view, the judgement of the Full Bench can also be applied

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in the instant case. The applicant has already been holding a substantive post in the Divisional Office and he can be considered for promotion in his own channel. In regard to pay in the pay scale of Rs. 950-1500 claimed by the applicant from 01.01.1986 it has been pointed out by the respondents that this pay scale was given to the applicant as and when the same was made applicable to the Signal Capital and Tele-communication Department of the Railways. It is seen from respondents letter dated 17.09.1991 (Annexure R-1) that the instructions were issued to the Field Officer of the Northern Railway to place the Hammer-man in the skilled grade of Rs. 950-1500 with immediate effect. Accordingly, the applicant was given the pay scale of Rs. 950-1500 from 17.09.1991. In the light of above discussion we do not find any merit in this application and the same deserves to be dismissed. Accordingly, we pass the order as under :-

" The O.A. is dismissed but without costs " .



Gopal Singh
 (GOPAL SINGH)
 Admn. Member

B. S. Raikote
 (B. S. RAIKOTE)
 Vice Chairman

RECOPY
25/11/07

R. Coe
Director
25/11/07

Part II and III destroyed
in my presence on 29.3.07
under the supervision of
section officer as per
order dated 19/2/07

Section officer (Records)