

CENTRAL ADMINISTRATIVE TRIBUNAL: ERNAKULAM BENCH

Date of decision: 31.1.1990

Present

Hon'ble Shri SP Mukerji, Vice Chairman
and
Hon'ble Shri N Dharmadan, Judicial Member.

O.A. No.226/89

VP Devadasan : Applicant

Vs.

1. Union of India rep. by
the General Manager
Southern Railway, Madras.
 2. Divisional Railway Manager
Southern Railway, Palghat.
 3. Senior Divisional Personnel
Officer, Southern Railway,
Palghat.
- : Respondents

M/s K Ramakumar, VR Ramachandran Nair
and Roy Abraham : Counsel of Applicant

M/s MC Cherian, Saramma Cherian and
RA Rajan : Counsel of Respondents

O R D E R

Shri SP Mukerji, Vice Chairman.

This application is one of ^{plethora} ~~such work~~ of applications
we have been receiving in the past in which the applicants
who have been working in the skilled or semi-skilled
category on a casual basis due to exigency of service
~~and~~ were ^{being} ~~to be~~ regularised as Gangmen ^{but} have been protesting
against their regularisation as Gangmen and claiming
promotion in the skilled category on regular basis.

2. The applicant before us is also being regularised
as Gangman, but he would rather stay as casual worker
waiting his turn to be promoted and regularised in the

skilled post in the scale of Rs 950-1500. The respondents have been taking the stand that they have no objection to retain the applicant in the skilled category and would not force him to take over as Gangman provided he expresses his willingness in writing foregoing his regularisation as Gangman. The Respondents, however, quite justifiably indicated that he will have to take his turn for promotion in the skilled category in the 25 per cent of the promotion quota and if before his turn comes he may have ^{he has to take that risk.} to be retrenched. The learned counsel for the applicant [^] _{is} is prepared to accept this contention.

3 Accordingly, we allow this application with the direction that the applicant should not be regularised in the category of Gangman as he is unwilling to do so. The applicant should indicate his willingness in the prescribed proforma to the respondents within a period of 2 weeks from the date of communication of this order and thereby the respondents should retain him in the casual worker category and consider him for regularisation in the skilled category in his turn in the 25 per cent quota ~~and~~ ^{and} subject to his otherwise being eligible. The applicant will be, however, subject to the risk of being retrenched in accordance with law in case such a contingency arises before his turn for regularisation materialises.

4 There will be no order as to costs.

(N Dharmadan)
Judicial Member

31.1.1990

(SP Mukerji)
Vice Chairman