

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 682 /1987

~~T.A. No.~~

198

DATE OF DECISION 07.10.1991

Zakir Anwer Jahagirdar and 77 others
Petitioner

Mr. G.K. Masand

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

R.K. Shetty

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice U.C. Srivastava, V.C.

The Hon'ble Mr. M.V. Priolkar, A.M.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether in needs to be circulated to other Benches of the Tribunal ? ✓

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH.

...

Registration O.A. No. 682 of 1987

Zakir Anwer Jahagirdar and 77 others working
as Assistant Operators/Operators in the Electric
Sub-Station, T/Cabin in the Electric Traction Distribution
Unit of Bombay Division Applicant.

Versus

Union of India through the General Manager,
Central Railway Bombay V.T. and others Respondents.

Coram :- Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. M.Y. Priolkar, Member (A)

Appearances :- Sri G.K. Masand for the applicants.
Sri R.K. Shetty for the Respondents.

Oral Judgment :-

(By Hon'ble Mr. Justice, U.C. Srivastava, Vice-Chairman) Dt. 07.10.91

The applicants were initially recruited as 'Casual Lines Man' but after completion of 120 days, in accordance with para-2551 of the Indian Railway Establishment Manual, the applicants were granted temporary status. Since then it appears that at the place where the applicants have been working as Assistant Operators/ Operators, no Assistant operator as such was appointed and their duties were obviously performed by the applicant. It appears that all unattended sub-station viz sub-station which are equipped with Remote Control Gear are not required to be manned as Assistant Operator/ Operator. All Track Cabins are also equipped to the Remote Control Gear because they are not to be manned by any such persons. 13 out of 17 sub-Stations and 9 Track Cabins in the North Easter Districts equipped with Remote Control Gear. Hence, they are not required to be manned by Assistant Operators/ Operators in any Districts by sub-Stations out of 14 from Chinchwali to Monkey Hill and 4 Track Cabins from Neral to Khandala are not required to be manned by Assistant Operators/ Operators since they are equipped with Remote Control Gear. These applicants who were appointed as Casual Workmen

(13)

- 2 -

have been performing the duties of Assistant Operators and according to the respondents, they have not been appointed as such they were not qualified to be appointed as Assistant Operators as the basic qualification for recruitment to the post of Assistant Operator is Diploma in Electrical Engineering while for the post of Line Man, it is matric or non matric for I.T.I. certificate and the applicants are not qualified to be appointed as Assistant Operators as they are not holding diploma. According to the applicant, the practice of the department has been to appoint even non-diploma holder as Assistant Operators and in this connection the names of S/Shri N.G. Punjani, M. Arora, B.D. Mungi Latif Sheth and B.L. Shathey and M.P. Patil were given who inspite of not having any degree or diploma in Electrical Engineering were nevertheless appointed as Assistant Operators/ Operators in Electric sub Stations/ Track Cabins. It appears that the respondents were not strictly adhering to the basic qualifications for the appointment to the post of Assistant Operators and that is why the Casual Lines Man like the applicants were allowed to do the work of Assistant Operators may be as the Assistant Operators were not available and it is for this reason for the past from of the non qualified persons may be according to the prescribed scheme were appointed. But merely because in the past such persons were appointed, it will not necessarily mean that in future the respondents are to give ~~to~~ go-bye to the prescribed qualifications and every time appoint such un-qualified persons. The applicant's claim that they have worked for 11 or 15 years as such performing the duties of Assistant Operators though not all the duties according to the respondents who have not yet come forward with such a case that what part of duty was not performed by them when there was no Assistant Operators, the places where they were posted. The applicants

Contd ... 3p/11

(14)

- 3 -

having been sufficient experience for the post on which they were working. There appears to be no reason that why the applicants' claim for regularisation on the post of Assistant Operators will not be considered.

2. Accordingly, we direct the respondents that before appointing any other person as Assistant Operator, they may consider the claim of the applicants for regularisation after taking into consideration the experience they gained and the relaxation in the prescribed qualifications and let the question ~~will~~^{be} be decided within 3 months from the date of communication of this order. Now in any case, ^{since} the applicants have been regularised, there is no reason ~~that~~^{why} they will not get the salary of Assistant Operators. The respondents may consider ^{absorption} ~~the services~~ of the applicants with all benefits of wages and allowances and not to appoint any other Assistant Operators in their place. The application is disposed of with above terms. Parties to bear their own costs.


Member (A)


Vice-Chairman

Bombay Bench
(n.u.)