

DA 1182-199  
CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

GULESTAN BLDG.NO.6, 4TH FLOOR.,

PRESCOT ROAD, FORT, MUMBAI-400001.

ORIGINAL APPLICATION NO:1181/93

and 1182/93.

DATED THE 14TH DAY OF JULY, 1999.

CORAM: HON'BLE SHRI JUSTICE R.G.VAIDYANATHA, VICE CHAIRMAN

HON'BLE SHRI B.N.BAHADUR, MEMBER(A).

Shri Mutthunaidu Veeraswamy,  
Ex-Head Mate working under PWI(C)/NSPT  
residing at C/o.PWI(C),  
Railway Quarters, Jasai,  
Dist.Raigad.

... Applicant(1181/93)

and

Shri Murti Parmeshwar,  
Working as T/S Mate and  
residing at C/o.PWI(C)  
Railway Quarters, Jasai,  
Dist.Raigad.

... Applicant(1182/93)

By Advocate Shri D.V.Gangal

V/s.

Union of India, through

1. The General Manager,  
Central Railway, Bombay V.T.
2. The Divisional Railway Manager,  
Central Railway, Bombay V.T.
3. The Chief Engineer,  
(Construction)(South),  
Central Railway, Bombay V.T.
4. Dy.Chief Engineer(Constn),  
(South),Central Railway,  
Dadar, Bombay.
5. Permanent Way Inspector,  
Central Railway, (Constn),  
Panvel.
6. Permanent Way Inspector,  
Central Railway, (Maintenance),  
PEN.

... Respondents in  
OA-1181/93 and  
B182/93.

By Advocate Shri S.C.Dhawan.

I O R D E R I (ORAL)

I Per Shri R.G.Vaidyanatha, Vice Chairman I

The applicants in both these cases were earlier engaged as Khalasis on temporary basis and promoted as Mate on temporary and casual basis. Subsequently, when the de-causalisation scheme was applied, the applicants were called for regularisation. The applicants also applied and they were screened, selected and appointed as Gangman. The applicants have accepted the post and are working as Gangman. Therefore, they have approached this Tribunal for a direction to the respondents to regularise them as Head mates.

2. The Respondents in their reply have stated that Casual labourers on screening will be selected for the job they are found fit. That the applicants have since been absorbed against regular vacancies as per their turn as Gangman. Since the applicants have already accepted the post of Gangman and have already been regularly appointed and are working there now, their request for appointing as mates cannot be accepted. Since the applicants are no longer casual labourers, their present request for appointment as Mates cannot be considered.

The short point for consideration is whether the applicants are entitled for being appointed as Head Mates as prayed for in the two OAs.

3. It is not disputed that applicants were working as casual labourers earlier as Khalasis and subsequently as Mates and had acquired temporary status. It is also admitted fact that applicants

were screened for regularisation and subsequently came to be appointed and regularised as Gangman. The applicants have accepted the offer. As on today they are no longer Casual Labourers. Therefore, their present prayer that they should be considered for regularisation in the post of Mates cannot be accepted., since they are no longer Casual Labourers as on the date of filing of the present application.

According to the respondents, there is no direct appointment of a casual labourer as a regular Mate since it is a promotional post. Regularisation is always done at the entry level. For the above reasons we find that a direction to the respondents for regularisation of services as Mates cannot be granted.

4. Though the applicants have been selected as Gangman, there are certain provisions under the rules under which they can give a request for a change of post or change of department. If such a request is made, the administration may consider the request subject to availability of vacancies, eligibility, seniority, qualification, etc and pass appropriate orders as per rules.

5. In the result, both the applications are dismissed subject to above observations. No order as to costs.

MEMBER(A)

VICE CHAIRMAN

abp.