

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD  
BENCH : AT HYDERABAD

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O.A.No. 645 of 1989

Dt. of Decision: 5-3-1991.

Between:-

1. T.Bharat Bushan
2. K.Sitaramaiah
3. S.Manohar
4. K.Yadagiri .. Applicants

AND

1. Chief Personnel Officer,  
South Central Railway, Secunderabad.
2. Chief Engineer (Open Line), South  
Central Railway, Secunderabad.
3. Deputy Chief Engineer, (TTM), South  
Central Railway, Secunderabad.
4. Senior D.P.O., South Central Railway,  
Vijayawada.
5. Assistant Engineer (TT), South  
Central Railway, Vijayawada.

.. Respondents

Appearance:

For the Applicants : Shri P.Krishna Reddy, Advocate.  
For the Respondents : Shri N.V.Ramana, Addl. SC for  
Railways.

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.  
THE HONOURABLE SHRI D.SURYA RAO, MEMBER(JUDICIAL).

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(JUDGEMENT OF THE DIVISION BENCH DELIVERED BY  
HON'BLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN).

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1. The applicants, herein, who are <sup>four</sup> in number, are  
all Casual Artizans highly skilled Gr.III working at  
Kazipet under the South Central Railway. The 1st

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applicant joined as Welder Foreman (TTM) on 19-11-1981, the 2nd applicant joined as Mechanic Foreman<sup>(TTM)</sup> on 1-3-1978, the 3rd applicant joined as Electrician Foreman (TTM) on 19-11-1981 and the 4th applicant joined as Mechanic Foreman (TTM) on 19-8-1982 at Kazipet and all were appointed to the said posts directly. All of them have obtained temporary status. They state that they were duly trade tested on 30-9-1982 and were declared/passed to have. All of them have passed S.S.C. or its equivalent examination and have also qualified in the I.T.I. They state that they have been holding Class-III posts for a number of years and despite having obtained temporary status, they are not being regularised in the Class-III category. They rely on the Railway Board's letters No.E(NG) III/78/REI/9, dt.2-8-80, No.E(P&A)I-82/JC/1, dt.4-4-84, SL.NO0.NR.7822 & 8488/SE57/84/ER37/84, E(NG)II-77/CL/46, dt.1-6-81, and Sl.No.NR 7850/ER 75/81/Sel.32/81 & 119/84 and E (P&A) 1-82/JC/1, dt.10-7-85, Sl.No.SE1 66/85 and contend that they are entitled to be absorbed straightaway in regular vacancies in the skilled grade to the extent of 25% of the posts reserved for direct recruitment. Under the Railway Board letter dated 3.12.1984, 25% of the skilled grade posts are to be filled by direct recruitment from I.T.I. trained personnel/Course Completed Act Apprentices/Matriculates (departmental candidates being eligible to be appointed against direct recruitment quota), 50% by promotion from lower grade and 25% by departmental examination from amongst serving employees in the lower grade, who have put in 3 years and are Matriculates. They contend that they are eligible for regularisation against 25% direct recruitment quota of highly skilled grade grade-III employees in the grade of Rs.950--1500. ~~It is stated that~~

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The Assistant Engineer (TT), Vijayawada, by his letter dated 9-6-1989 proposed to conduct a test for screening for appointment of Casual Labourers (Class-IV staff). In the list of candidates eligible to take the screening test, the names of the applicants is included. They state that as they were never appointed as Casual Labourers (Class-IV) but they were appointed directly as highly skilled Casual Artizans Gr.III and they have attained temporary status and were also duly trade tested, the action of the respondents in directing the applicants to appear for the screening test for Class-IV posts is illegal. They contend that they are entitled for regularisation in the grade of HSK III from the date they were trade tested i.e. 30-9-1982. Hence this application for issue of a direction to the respondents to absorb them on regular basis as highly skilled Gr.III Artizans against 25% quota for direct recruits.

2. The respondents in their counter deny that the applicants were appointed as highly skilled casual artizans Gr.III. They were appointed only as casual labour artizans. The trade test, which was conducted, was only for the purpose of fixing them in a scale and not for the purpose of absorption against 25% direct recruitment quota. The applicants are therefore not eligible for absorption against 25% direct recruitment Artizans quota. They are only eligible for appearing for the requisite test for absorption under 25% quota only and not for absorption directly. The action of the Assistant Engineer, Vijayawada,

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vide his letter dated 9-6-1989 proposing to conduct screening test for casual labourers in TTM organisation in South Central Railway for Class-IV posts is in accordance with the decision arrived at the Joint Meeting held on 1-9-1987. At this meeting it was agreed that the Casual Labour (unskilled Artizans) will be regularised as Khalasis with effect from 1-9-1987 against sanctioned posts. They will progress straightaway to the posts of Khalasis Helpers and Skilled Artizans, Grade III, as per their seniority. Hence they say that the D.A. is liable to be dismissed.

3. We have heard Shri P.Krishna Reddy, learned counsel for the applicant and Shri N.V.Ramana, learned standing counsel for Railways. Shri Krishna Reddy states that the applicants apprehend that if they were to agree to their regularisation in the Class-IV in the first instance, they would be considered for promotion to Class-III in accordance with their date of regularisation and not on the basis of their seniority in the category of Casual Labour Skilled Artizan-Class III. On behalf of the Railways, Shri Ramana represents that this apprehension is not correct and the applicants will be considered for promotion along with Casual Labour Skilled Artizans, who were similarly promoted earlier after their initial appointment as Class-IV. He states that the applicants will be treated in the same manner as the other Skilled Artizan employees initially regularised class-IV employees and

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therefore promoted to class-III. In these circumstances as the applicant's fears are not well founded we direct the respondents to conduct the requisite test within three months from the date of receipt of this order and on the applicant's succeeding in the screening test, promote them to the class-III post from the date their juniors were promoted. The application is disposed-of with the above directions. There will be no order as to costs.

*B.N. Jayasimha*  
(B.N. JAYASIMHA)  
Vice-Chairman

*D. Surya Rao*  
(D. SURYA RAO)  
Member (J)

Dated: 5th March, 1991. *[Signature]*  
Dictated in Open Court Deputy Registrar (Judl)

To

1. avl/ The Chief Personnel Officer,  
South Central Railway, Secunderabad.
2. The Chief Engineer (Open Line),  
South Central Railway, Secunderabad.
3. The Deputy Chief Engineer, (TTM)  
South Central Railway, Secunderabad.
4. The Senior D.P.O. South Central Railway,  
vijayawada.
5. The Assistant Engineer (TT) South Central Railway,  
vijayawada.
6. One copy to Mr. F. Krishna Reddy, Advocate CAT. Hyd. Bench.
7. One copy to Mr. N. v. Ramana, SC for Railways, CAT. Hyd.
8. One spare copy.

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CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.B.N.JAYASIMHA : V.C.

AND

THE HON'BLE MR.D.SURYA RAO : M(J)

AND

THE HON'BLE MR.J.NARASIMHA MURTY:M(J)

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

Dated: 5-3-1991.

~~ORDER~~ / JUDGMENT:

M.A./R.A./C.A. NO.

In

T.A.No.

W.P.No.

O.A.No. 645/89

Admitted and Interim directions  
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn 591

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.

