

(43)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 1018/91.

-T.A.No.-

Date of Decision : 9th Jan 1992

K.M.Prasad & 2 others

Petitioner.

Shri P.Krishna Reddy

Advocate for the
petitioner (s)

Versus

Chief Administrative Officer(Constn),
S.C.Rly., Secunderabad & 5 others

Respondent.

Shri N.V.Ramana, SC for Railways

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R.Balasubramanian : Member (A)

THE HON'BLE MR. C.J.Roy : Member (J)

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 Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HRBS
M(A)

HCJR
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A. No. 1018/91.

Date of Judgment 9/6 Jan 1992

1. K.M.Prasad
2. M.Balachandran Pillai
3. M.Balaswamy .. Applicants

Vs.

1. Chief Administrative Officer(Constn),
S.C.Rly., Secunderabad.
2. The Divl. Rly. Manager(MG),
S.C.Rly., Secunderabad.
3. The Divl. Engineer(Con),
S.C.Rly., Secunderabad.
4. The Divl. Engineer(Con)-II,
S.C.Rly., Secunderabad.
5. Chief Inspector Works(Const),
Sanathnagar,
S.C.Rly., Secunderabad.
6. The Depot Store Keeper(Con)-I,
S.C.Rly., Secunderabad. .. Respondents

Counsel for the Applicants : Shri P.Krishna Reddy

Counsel for the Respondents : Shri N.V.Ramana, SC for Railway

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

[Judgment as per Hon'ble Shri R.Balasubramanian, Member(A)]

This application has been filed by Shri K.M.Prasad & 2 others against the Chief Administrative Officer(Constn), S.C.Rly., Secunderabad & 5 others under section 19 of the Administrative Tribunals Act, 1985 with a prayer that the order No.YP/E/416/PCLS dated 9.8.91 absorbing them only in Group 'D' be set aside with a direction to the respondents to regularise their services in Group 'C' posts w.e.f. 20.3.78, 19.11.76 and 19.10.76 in the case of Applicants 1, 2 and 3 respectively.

(u9)

2. Applicant 1 was appointed as a Literate Khalasi on 20.3.78 and from 19.12.81 he has been working as a Work Assistant. Applicant 2 was appointed as a Mopla Khalasi on 19.11.76. Applicant 3 was appointed as a Mopla Khalasi on 19.10.76 and he has been working as Work Assistant from 19.8.85. Being on casual basis they were asked to appear for a screening test vide a circular dated 18.6.91. The applicants appeared for the test and were under the impression that after ^{success in} the screening they would be straightway absorbed in Group 'C'. Instead of their expectations coming through, the respondents finally issued an order regularising them only in Group 'D'. They made representations and after failing they have approached this Tribunal with this O.A.

3. The respondents have filed a counter and oppose the application. It is their case that all the applicants were taken in, only as casual labour and that too in Group 'D' only. In the case of Mopla Khalasis, ~~for~~ the nature of work they did they were paid higher wages. It is stated that Applicant 1 was appointed as a Casual Khalasi in March, 1978 and from January, 1983 he was functioning as a casual monthly rated Work Assistant. Applicant 2 was appointed as a Casual Mopla Khalasi on 19.11.76. Applicant 3 was appointed as a Casual Mopla Khalasi on 19.10.76. The screening test that they conducted was only in Group 'D' for $33\frac{1}{3}\%$ quota reserved for Construction and Project staff. It is also stated that there is no category of Mopla Khalasis existing on regular basis in the Open Line Division. It is only in Group 'D' and that too in the Construction Organisation only. Construction Organisation being of a temporary nature when the staff are ~~conducted~~ into permanent Open Line section, they have to be fitted only in the grades obtaining in the Open Line Division. There being no Mopla Khalasis in the Open Line Division there is no scope for them for being regularised in that scale as such.

(u9)

To

1. The Chief Administrative Officer (Constn),
S.C.Railway, Secunderabad.
2. The Divisional Railway Manager (MG)
S.C.Railway, Secunderabad
3. The Divisional Engineer (Con) S.C.Rly, Secunderabad.
4. The Divisional Engineer (Con)-II, S.C.Rly, Secunderabad.
5. The Chief Inspector Works (Const) Sanathnagar,
S.C.Rly, Secunderabad.
6. The Depot Store Keeper (Con)-I
S.C.Rly, Secunderabad.
7. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
8. One copy to Mr.N.V.Ramana, SC for Rlys. CAT.Hyd.
9. One copy to Hon'ble Mr.C.J.Roy, Member (J)CAT.Hyd.
10. One spare copy.

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4. We have examined the case and heard the rival sides. We find from a schedule attached to the Railway Board letter No.E(LL)88 AT MW/16 dated 29.12.88 that the Mopla Khalasis are listed only under unskilled category ~~indicating~~ showing them as Group 'D'. That schedule only indicates the rates. There being no regular posts of Mopla Khalasis in the Open Line Division the question of absorption in such a cadre ~~just~~ does not arise.

5. In the course of the hearing, the learned counsel for the applicants pleaded that Applicants 2 & 3 ~~should at least~~ are entitled to be absorbed in Group 'C' as Skilled Artisans. According to Rule 159 of the Indian Railway Establishment Manual Vol.I Revised Edition-1989, ~~3000x~~ ^{25%} of the posts of Skilled Artisans Gr.III are to be filled up by selection from amongst Course Completed Act Apprentices, I.T.I. passed candidates and matrics from open market, serving employees; 25% from semi-skilled and unskilled staff with required educational qualifications as laid down in the Apprentices Act and 50% by promotion of staff in lower grade as per revised procedure. The applicants do not fit in any of these disciplines at present and, therefore, they have no case for absorption in the skilled cadre.

6. The prayer contained in this O.A. is the same as in another O.A. (No.1016/91). The circumstances are also the same. Giving detailed reasons we have dismissed O.A. No.1016/91 and for the same reasons we dismiss this O.A. also with no order as to costs.

R.Balasubramanian
(R.Balasubramanian)
Member(A).

C.J.Roy
(C.J.Roy)
Member(J).

Dated 9th January, 1992.

8/4/92
By Registrar (J).

Percept
(4)

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

S.V.C

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR. BALASUBRAMANTAN M(A)

AND

THE HON'BLE MR. C.J. Roy

M(J)

DATED: 9 - 1 - 1992

ORDER/ JUDGMENT:

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

dn

O.A. NO.

1018/91

T.A. NO.

(W.P. NO.)

Admitted and Interim directions
Issued.

Allowd.

Disposed of with directions

Dismissed.

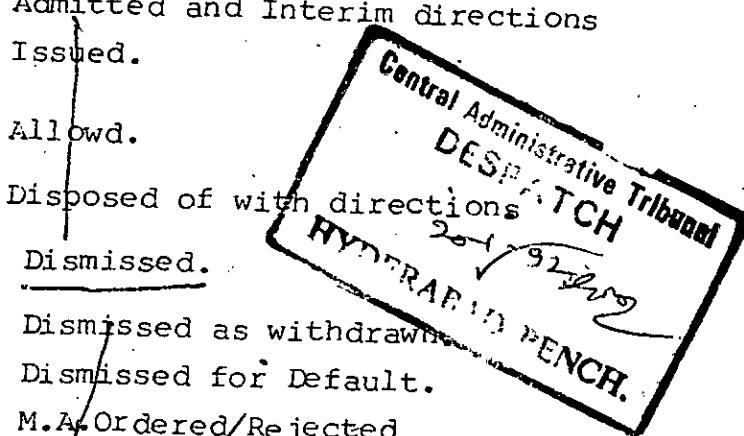
Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected

No order as to costs.

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Q. 13/92
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