

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.980/94

DATE OF ORDER : 05-06-1997.



Between :-

1. T.Niranjan Kumar
2. T.Adikesavachari
3. Vimalchandrasekaran
4. G.Srinivasa Reddy
5. N.Ferdinand
6. N.Niruvankata Reddy.
7. K.Ratan Raju
8. B.Anjanayulu
9. Syed Kareemulla
- 10.K.Srinivasa Rao
- 11.M.Sudhakar
- 12.Y.Venkata Ratnam
- 13.M.Raghunath
- 14.Shaik mutyar
- 15.P.V.Koteswar Rao
- 16.G.Meherji
- 17.Mohd Refes

- 18.V.Sanyasi Rao
- 19.Surapa Raju Mohan
- 20.P.Kali Prasad
- 21.S.Pratap

... Applicant

And

1. The General Manager, SC Rlys,
Rail Nilayam, Sec'bad.
2. The Chief Personnel Officer,
SC Rlys, Rail Nilayam, Sec'bad.
3. The Divisional Railway Manager,
SC Rlys, Vijayawada.
4. The Sr.Divisional Engineer,
T.R.S., SC Rlys, Vijayawada.
5. The Chief Project Manager,
Rail Electrification (RE),
S.C.Rlys, Vijayawada.

... Respondents

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Counsel for the Applicants : Shri V.S.R.Murthy

Counsel for the Respondents : Shri C.V.Malla Reddy, SC for Rlys

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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None for the applicants. Heard Shri C.V.Malla Reddy, learned standing counsel for the respondents. As this O.A. was instituted in 1994 we dispose of under Rule 15(1) of CAT (Procedure) Rules, 1985.

2. The facts of this case which are not in dispute are as under :-

There are 21 applicants in this O.A. All the applicants excepting applicant No.15^{was} engaged in Railway Electrification Project, Vijayawada. The details of their engagement, educational qualifications and their date of absorption as Group-D after screening are indicated in the Annexure R-1 to the reply. The applicants 1 to 12 ^{were} ~~are~~ engaged as Casual labourer/~~cases~~ even in Group-C posts and was granted temporary status as Casual Labourer in the scale of pay of Rs.260-400/Rs.950-1500 (RSRP) and the applicants 13, 14 and 16 to 21 were engaged in Group-D posts as Casual Labourer. They were further granted temporary status and subsequently were also engaged as casual labourer in the semi skilled/skilled grades. The date of grant of temporary status to these applicants is at Annexure R-II. Applicant No.15 joined in Electric Loco Shed, ~~at~~ Vijayawada in November, 1992 from Electric Loco Shed, Waltair, S.E.Railway on mutual transfer

further submit that they had worked as a Casual Artisan for a long time and also possess the necessary qualifications and their absorption in Group-D post is irregular. They should be posted against the regular Artisan post from the date of their initial appointment.

5. A reply has been filed in this OA. The respondents contend that the applicants are Artisan staff of project organisation. Even the Artisan staff of the ^{project} ~~open line~~ organisation can be considered for absorption directly as Artisan staff if there are vacancies ~~only~~ against the 25% direct recruitment quota as embodied in the Railway Board letter No.

The above instructions equally apply to the casual labourer directly ^{employed} ~~appointed~~ as Artisans. The respondents further submit that in terms of the Railway Board letter No.E(NG) 11-77 CL/46 dt.8-6-81 circulated under SC No.78/81 (Annexure R-11), their services can be regularised only in group-D post too after due screening. Hence they declare that the applicants are not entitled for the relief as asked for in this OA.

6. The recruitment rules for the post of Artisan in Railway as can be seen from the reply consists of quota for departmental candidates and quota for direct recruitment from the open market. But quota for departmental promotion cannot be filled by candidates outside the feeder category. Hence the applicants cannot have grievance if their cases have not been considered for absorption as Artisan against the departmental quota. They can have grouse only if their cases have not been considered for absorption as Artisan against the direct recruitment quota or against the construction

with Sri V.Raghavachary, Ex.Khalasi, Electric Loco Shed/Vijayawada. Applicant No.15 was initially engaged at "WK Railway Electrification Waltair, S.E.Railway and subsequently he was granted temporary status in the scale of Rs.196-232 (RS) with effect from 1-1-84. He was further engaged in the semi skilled post in the scale of pay of Rs.210-290.(RS) as casual labourer BT 'Lineman with effect from 3-1-85 and later on engaged in skilled post as Casual Labourer Linemen Gr.III in scale Rs.950-1500 (RSRP) with effect from 4.2.89. From the above narration of the facts, all the applicants in this OA ~~were~~ ^{are} presently working as Group-D regular Khalasi even though they worked in the Artisan category earlier to their absorption in the Electrical Department of SC Railway in Vijayawada Division. They requested for their absorption in a regular post of Artisan instead of absorbing them in Group-D post. That request was turned down on the premise that any casual labourer even if worked as ~~an~~ ^{can} only be considered for regular absorption only in Group-D post. But such casual artisan eventhough belongs to project side can be considered against the 25% quota earmarked for open market candidates if they apply for the same.

3. The applicants having aggrieved by their absorption in Group-D, filed this OA for absorbing them in Group-C posts form ~~-----~~ ⁻⁻⁻⁻⁻ appointment with consequential benefits.

4. The applicants in the OA submits that the workmen who has worked for a long time should be confirmed in that category only even if they are not educationally qualified, as observed by ~~-----~~ ⁻⁻⁻⁻⁻ (SC) Page 371. They

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7. With the above observations, the Original Application
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न्यायालय अधिकारी
COURT OFFICER
COURT OFFICER
Central Administrative Tribunal
HYDERABAD BENCH
HYDERABAD BENCH

Case Number	0A 909/94
Date of Judgement	5/6/97
Copy Made Ready on	25/6/97
अनुभाग न्यायाधीश (न्यायाधीश) Section Officer (J)	