

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1143/94

Date of Order: 1.5.97

BETWEEN:

B.Venkatarao

.. Applicant.

AND

1. Chief Project Manager,
Railway Electrification,
S.C.Rly., Vijayawada-1.
2. Senior Divisional Electrical
Engineer, TRD/BG, S.C.Rly.,
Secunderabad.
3. Union of India, rep. by
The Chairman, Railway Board,
Rail Bhavan, New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr.G.V.Subba Rao

Counsel for the Respondents

.. Mr.CV.Malla Reddy
for
Mr.D.F.Paul.

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.G.V.Subba Rao, learned counsel for the applicant and Mr.C.V.Malla Reddy for Mr.D.F.Paul, learned standing counsel for the respondents.

2. The applicant in this OA was engaged as casual labour Electrician (Skilled) on daily wages by order No.252/VBRE/3080/5/Vol.II, dt. 2.1.87 (Page-8). It is ~~also~~ stated the applicant on having brought on temporary status casual labour was given the scale of pay of Rs.950-1500 also.

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3. The applicant was absorbed as a regular khalasi in the Electrical Loco Shed, Vijayawada on 21.10.91 after due screening. He is continuing in that post even now.

4. The grievance of the applicant is that he should have been posted as a regular ~~artisan~~ ^{not} staff in the Electrical Wing and should ^{not} have been absorbed as a regular khalasi in the Electrical Wing of South Central Railway. He further submits that he protested to come as regular ~~khalasi~~ ^{but} fearing termination of services he joined as regular khalasi in the Electrical Loco Shed, Vijayawada.

5. This OA is filed praying for a direction to the respondents to absorb the applicant against the Skilled Grade-III in scale of Rs.950-1500 against the existing ~~or~~ future vacancies by declaring that the absorption of the applicant as Khalasi in scale of Rs.750-950 through a forced option is arbitrary and illegal.

6. The applicant is not brought on record any material to show that he was posted as a regular khalasi under *threat or coercion*. It is a fact that the applicant had accepted the post of regular khalasi in the Electrical Loco Shed after screening and he joined there also and is continuing in that capacity even now.

7. The only point for consideration is whether he is entieled for posting as skilled artisan in the scale of *pay of* Rs.950-1500. The applicant in the relief prays for posting as Grade-III Fitter in the scale of pay of Rs.950-1500 against the existing and future vacancies. There is a quota earmarked for promotion and direct recruitment for posting as skilled ^{fitter} Gr-III Electrical. The applicant cannot ask for posting against the vacancies earmarked for promotee candidates. He can only ask for consideration for posting against the post earmarked for direct recruitment. If the direct recruitment vacancies

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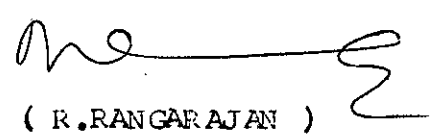
are advertised and the applications were called for from the eligible candidates, the applicant is free to apply for the same as and when the applications are called for. If the applicant responds to that future notification for appointment in the skilled grade in the electrical department ~~he~~ also should be considered along with others giving some weightage to his working as casual labour artisan in the R.E.Organisation. We feel that the above ^{Course} will meet the ends of justice. The applicant submits that Sri Iova Raju and Sri SVLS.Rama Rao were appointed as casual labourers who worked along with the applicant¹ in the R.E.Project. But ^{it} is not stated that those 2 employees were absorbed against the promotion quota in the Vijayawada division of S.C.Railway. It is also not known whether they were appointed against the reservation quota. In the absence of any such details this contention cannot be upheld.

And hence he should also be considered similarly

8. In the result the case of the applicant should be considered if he applies for the skilled post in the electrical department of South Central Railway against the direct recruitment quota in future in accordance with the rules, ~~his case should be considered~~ along with others giving some weightage to his past experience as skilled electrician in the R.E.Project.

9. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Adm.)

Dated: 1st May, 1997

(Dictated in Open Court)


Dr. Regim

12/6/97

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TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE CHAIRMAN

and

B. S. Jai Prakash

THE HON'BLE MR. H. RAJENDRA PRASAD M(A)

Dated: 11/7 -1997

ORDER/JUDGMENT

O.A.No. 1143/94

T.A.No. (w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज/DESPATCH
10 JUN 1997
हैदराबाद ब्याचपीठ
HYDERABAD BENCH