

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1206/95.

Dt. of Decision : 23-06-98.

1. K.V.L.Narayana
2. R.Chandran
3. K.Ramanaiah
4. D.Anjaiah
5. N.Robert Clive
6. K.Venkateswarlu

.. Applicants.

Vs

1. The Union of India rep. by
the General Manager, SC Rly,
Rail Nilayam, Sec'bad.
2. The Chief Personnel Officer,
SC Rly, Rail Nilayam,
Sec'bad.
3. The Divl.Rly.Manager,
SC Rly,Vijayawada Division,
Vijayawada.
4. The Divl.Engineer(S.W.),
SC Rly,Vijayawada Division,
Vijayawada.
5. The Asst.Engineer(General),
SC Rly, Vijayawada Division,
Vijayawada.
6. The Chief Bridge Inspector,
SC Rly, Bitragunta, Nellore Dist.
7. The Sr.Divl.Engineer(CO-Coordination)
SC Rly, Vijayawada Division,
Vijayawada.
8. The Sr.Divl. Personnel Officer,
SC Rly, Vijayawada Division,
Vijayawada.

.. Respondents.

Counsel for the applicants : Mr.P.Krishna Reddy

Counsel for the respondents : Mr.J.R.Gopal Rao,SC for Rlys.

CORAM:-

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

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

Or

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ORDER

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

Heard Mrs. Sarada for Mr. P. Krishna Reddy, learned counsel for the applicants and Mr. J. R. Gopala Rao, learned counsel for the respondents.

2. There are 6 applicants in this OA. It is stated that they joined as Casual Labour in the Project Wing of Civil Engineering Department of SC Railway, Vijayawada Division. Later they were granted temporary status. Annexure-1 gives the details of their appointment on casual basis and also the date of granting them the temporary status. It is now stated ~~that~~ in para-4 of the reply statement that they are working as APS Revetter, APS Driller and APS Painter. They demand for regularisation of services in the skilled category in the Project Wing of the Railways.

3. This OA is filed praying for a direction to the respondents to regularise their services in the post in which they are working i.e., to regularise the services of the applicants 1 to 5 in Group-C posts as skilled Artizans and the services of the applicant as Semi-Skilled Worker from the date they attained temporary status with all consequential benefits including seniority, arrears of salary and promotions etc.

4. A reply has been filed in this OA. The respondents submit that the cases of Skilled and Semi-Skilled Artizans were considered for absorption in that category against the 37% quota under decasualisation programme as one time dispensation in accordance with the Railway Boards' letter. The applicants do not

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come under the purview of that letter as they ^{were} are not senior enough to consider^{be}. This point has not been contradicted by the applicants by filing a rejoinder. The respondents further submit that the applicants are now working as stated in Para-4 of the reply. They cannot be considered for absorption against that quota as it is against the recruitment rules. However, they were considered for absorption as Group-D staff on the basis of their number of days of services ^{put in} by a screening committee. But they did not prefer to go as un-skilled Group-D staff and they wanted to continue ~~as~~ in the capacity in which they ^{were} are working. Hence, they lose that opportunity ^{for} of being absorbed as Group-D un-skilled labour. The respondents have quoted the letter of the Railway Board's letter No.E(NG)II/93/CL/RE/116 dated 29-05-95 (Annexure-2 Page-2 to the reply). As per this letter the Railway Board has ^{observed} ~~observed~~ that the casual labour skilled artizans can be appointed notionally in the lowest grade of skilled artizan and there can be no promotion for them above that post. They can be considered for absorption in Group-D post. The respondents also rely on the para-2006 and 2007 of IREM enclosed as Annexure-3 and Annexure-4 to the reply to state that they were engaged as Casual labour in accordance with rules and there is no irregularity committed in continuing them in the present status in view of the rules quoted by them. The respondents further submit that they are eligible for consideration against the direct recruitment quota for skilled artizan if they apply for the same. Or else they are at liberty to get appointed as Group-D staff in the un-skilled category as and when their names are approved by the screening committee.

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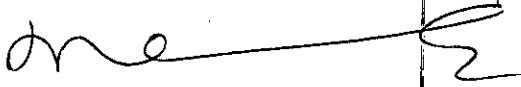
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5. The sum and substance of the request of the applicants are that they want to be absorbed only as in the cadre in which they are ^{now} working and not as un-skilled Group-D staff. We find that the rules do not permit for that. However, they should be considered for absorption in the capacity in which they are now working against 25% ~~quota~~ direct recruitment quota as and when vacancy arises and if the applicants apply for the same. They are also eligible to be considered for absorption as Group-D in future vacancies if they appear for the screening test and ^{found} they fit for absorption. The applicants should be continued in the present status so long as the work exist. If there is no work they are liable to be retrained. ^{However} ~~xx~~/such a retraining will not give any right to the respondents to delete their names from the list of casual labour and they should be considered as directed above against 25% quota and also against the regularisation of Group-D posts in accordance with rules ^{for regularisation}.

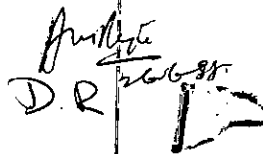
6. With the above directions, the OA is disposed of.
No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
23/6/98


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 23rd June, 1998.
(Dictated in the Open Court)

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Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
 2. The Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
 3. The Divisional Railway Manager, South Central Railway, Vijayawada Division, Vijayawada.
 4. The Divisional Engineer(S.W), South Central Railway, Vijayawada Division, Vijayawada.
 5. The Asst.Engineer,(General),South Central Railway, Vijayawada Division, Vijayawada.
 6. The Chief Bridge Inspector, South Central Railway, Bitragunta, Nellore District.
 7. The Sr.Divisional Engineer(Co-Ordination), South Central Railway, Vijayawada.
 8. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada Division, Vijayawada.
- ~~XXXXXXXXXX~~
9. One copy to Mr.P.Krishna Reddy,Advocate,CAT,Hyderabad.
 10. One copy to Mr.J.R.Gopal Rao, Addl.CGS, CAT, Hyderabad.
 11. One copy to D.R(A),CAT,Hyderabad.
 12. One duplicate copy.

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II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B. S. JAI PARAMESHWAR :
M (J)

DATED: 23/6/98

ORDER/JUDGMENT

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

in

O.A.NO. 1206/95

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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