

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 963/95.

Dt. of Decision : 23-06-98.

S.M.Hussain

.. Applicant.

Vs

1. The General Manager,
SC Rly, Rail Nilayam,
Sec'bad.
2. The Divl.Rly. Manager (P),
SC Rly, Vijayawada.
3. The Sr.Divl.Personnel Officer,
SC Rly, Vijayawada.
4. The Sr.Divl.Engineer,
Co-Ordination, SC Rly,
Vijayawada.

.. Respondents.

Counsel for the applicant : Mr.P.Krishna Reddy

Counsel for the respondents : Mr.V.Rajeswara Rao for
Mr.N.V.Ramana, SC for Rlys.

CORAM:-

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

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

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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 applicant and Mr.V.Rajeswara Rao for Mr.N.V. Ramana, learned counsel for the respondents.

2. The applicant in this OA joined as Casual Khalasi. He was appointed as Casual Jeep Driver on 1-9-82. He was granted temporary status from 19-6-86 which was later revised w.e.f., 1-1-84. The applicant submits that he should be regularised as a Jeep Driver or in the capacity of Driver considering his past services.
3. This OA is filed praying for a direction to the respondents to absorb the applicant on regular basis as Driver in the open line vacancies in Vijayawada Division of SC Railway.
4. A reply has been filed in this OA. The respondents submit that the applicant who is a casual Driver possessing temporary status cannot be regularised as a regular Jeep Driver in the scale of pay of Rs.950-1500/-. They submit that his case for regularisation of Khalasi in the Group-D was considered and he was posted. But he refused to take up that post as regular Khalasi demanding posting as regular Driver only. Hence he ^{lost} ~~loosing~~ that opportunity also. The respondents also submit that his case will be considered in accordance with rules as Jeep Driver or Driver in the skilled category if he applies for the same in future. *against the D.R. rule.*
5. The above submission of the respondents appear to be reasonable. When there is no direct absorption of casual skilled artisan except against the 25% quota earmarked for direct recruitment the applicant cannot demand as a matter of right to be regularised as regular Jeep Driver since he had worked for number of years ^{as} ~~for~~ Driver. He has a right to ^{be} ~~consider~~ ^{-w} ~~for~~ absorption as a

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regular Driver in the skilled category if he applies against the direct recruitment quota of 25% and ^{is} ~~was~~ successful in accordance with rules. The applicant has a right to be considered for regular absorption as Khalasi in Group-D post in the open line organisation against the quota earmarked for construction temporary status casual labourers. It is stated by the respondents that the applicant refused to join as regular khalasi in Group-D post when he was selected and posted in the open line organisation. If he refused the same he has to wait for his future chance if he wants to get absorp^{ed} later in future for absorption as a regular Group-D staff. However, he should be continued as Casual Driver in the skilled category if there is work in future. If there is no work in future to continue him as Casual Driver he may have to ^{be} discharged but his name will not be deleted from the list of casual labours for consideration against Group-D post in the ~~the~~ open line organisation or for consideration of his case against the 25% ~~quota~~ direct recruitment quota for posting in the skilled category in accordance with rules.

6. With the above direction the OA is disposed of.
No cost.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

23.6.98

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

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D R Ramesh

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Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager, (P), South Central Railway, Vijayawada.
3. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada.
4. The Senior Divisional Engineer, Co-Ordination, South Central Railway, Vijayawada.
5. One copy to Mr. P. Krishna Reddy, Advocate, CAT, Hyderabad.
6. One copy to Mr. N. V. Ramana, SC for Railways, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

6/7/98

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. 963/95

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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