

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.392/97

DATE OF ORDER : 28-09-1998.

Between :-

K.Srinivasulu

... Applicant

And

1. Union of India,
rep. by its General Manager,
SC Rlys, Rail N. layam,
Sec'bad.
2. General Manager,
Railway Electrification,
Alahabad.
3. Chief Project Manager (Personnel),
Rly. Electrification,
SC Rlys, Vijayawada.
4. Divisional Railway Manager (Personnel),
SC Rlys, BZA, Vijayawada.

... Respondents

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Counsel for the Applicant : Shri G.V.Sekhar Babu

Counsel for the Respondents : Shri V.Bhemanna, SC for Rlys

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CORAM:

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

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

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

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... 2.

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

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None on either side.

2. The applicant in this OA joined as Casual Khalasi in Railway Electrification Project. He was subsequently engaged as Project Casual Labourer, Driver and attained temporary status with effect from 27-6-85. He was further engaged as Skilled -II PCL, Driver in the scale of pay of Rs.1200-1800 with effect from 20-4-1986 and ~~was~~ continued in that capacity up to 31-3-97. He was screened and selected for the Group-D post of TRD Department of Vijayawada Division and was relieved on 31-3-97 with a direction to report to the respondent authorities of TRD Department of Vijayawada Division. //²⁴ The applicant submits that he was working as a Casual Labourer, Driver Skilled Gr.II in the pay scale of Rs.1200-1800 and hence reverting him to Group-D post ~~even~~ on permanent basis is irregular. He also submits that he is entitled for ~~as~~ appointment against 33% quota earmarked for absorption of Casual Labourer skilled grade in skilled category. That was also not done. He was issued with the impugned order No.E.252/KSRE/3080 Screening/Vol.II dt.28-2-97 (ANNEXURE-VIII to the OA) whereby he was posted as Group-D staff in the TRD Department of Vijayawada Division after screening but he submits that the above order is irregular as he ~~is~~ already working in a Group-D post and hence he can be absorbed only in Group-C post. He also submits that reverting him to Group-D post without following Railway Servants (Discipline & Appeal) Rules, 1968 is irregular.

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3. This OA is filed to set aside the impugned order dt.28-2-1997 (Annexure-VIII to the OA) by holding the same as arbitrary, malafide, illegal, ~~and~~ unconstitutional and violative of Article 14, 16 and 311 of the Constitution of India and violative of Rules 6, 7, 8 and 9 of Railway Servants(Discipline & Appeal) Rules, 1968 and for a consequential declaration that the applicant shall be deemed to have been regularised in Group-C post in the scale of pay of Rs.1200-1800 with effect from 1985.

4. Similar prayer had already been dealt with earlier by this Bench in a number of cases. The applicant was a Casual Labourer. Eventhough he is working in a Group-C post, a casual labourer Group-C employee cannot demand as a matter of right to be regularised in a Group-C post. Rules for filling up of Artisan post in Group-C have xxx to be followed. As per that rules only, casual labourer Group-D employee can aspire to be considered for posting in Group-C post against 25% quota earmarked for Direct Recruitment. He cannot ask for posting against 75% quota which is to be filled by the regular employees of the Department. As seen from the reply, a notification was issued by the TRD Department of Sec'bad Division of S.C.Railway by letter dt.15/16-12-97 (Annexure R-2 to the reply) calling for volunteers from Artizans Gr.III, Gr.II & Gr.I for maintenance of TRD assets of KSRE-SC(BG) Division. It is stated in the reply that 34 casual labourer Artizans applied in response to that notification. It is stated that the applicant had not applied. All the 34 casual labourer Artizans were screened at Secunderabad were screened and empanelled for absorption. Thus an the respondents submit that opportunity was given to the applicant

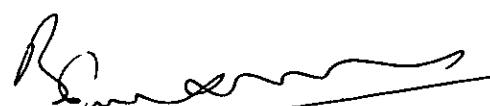
for absorption against a Group-C post by issuing notification against Direct Recruitment quota or as a one time exemption to absorb Skilled Casual Artizan, but the applicant did not apply for the same. Hence he lost that opportunity. The above fact is not contradicted by the applicant.

5. A Casual Labour Artizan is entitled for appointment against a regular Group-D post after screening based on the seniority maintained as per the total number of days of casual service. Accordingly, the applicant had been screened and posted as a regular Group-D employee. It is not known whether he accepted that job or not. If he had not accepted that job, none are responsible except the applicant himself. Ofcourse, after joining in regular Group-D post, he can aspire for promotion as Skilled Artizan through promotion against departmental promotional quota.

6. In view of what is stated above, the applicant has not made out a case for absorption as regular Artizan. Hence the OA has to be dismissed as having no merits, but his case should be considered for absorption against a Group-D post in accordance with the law if he is willing to join that post and found fit by the subsequent screening committee.

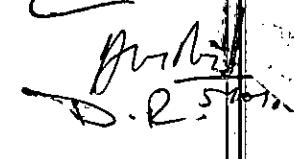
7. In the result, the OA is dismissed subject to the observation made as above in regard to his absorption as a regular Group-D employee in the Railways.

8. No order as to costs.


(B.S. JAI PARAMESHWAR)
29.9.98 Member (J)

av1/ Dt. 29-9-98 (Dictated in open court)


(R. RANGARAJAN)
Member (A)


D.R.

DA.392/97

Copy to :-

1. The General Manager, South Central Railways, Rail Nilayam, Secunderabad.
2. The General Manager, Railway Electrification, Aleshbad.
3. The Chief Project Manager (Personnel), Rly, Electrification, S.C.Rlys, Vijayawada.
4. The Divisional Railway Manager (Personnel), S.C.Rlys, BZA, Vijayawada.
5. One copy to Mr. G.V.Sekhar Babu, Advocate, CAT., Hyd.
6. One copy to Mr. V.Bhemanna, SC for Rlys, CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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22/10/98
II COURT

TYPED BY
COMPARED BY

ICHECKED BY
APPR. VED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 3

28/9/98

ORDER/JUDGMENT

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

in

C.A.NO. 392/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय अधिनियम विविध एवं
Central Administrative Tribunal
प्रेषण / DESPATCH

13 OCT 1998

हैदराबाद आधिकारी
HYDERABAD BENCH