

FORM NO. 21. (See. Rule.114.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.

HYDERABAD.

O.A. No.

809

1997

K. Srikari & Ors

Applint(s)

Versus

In G.M. Secy, Subodh & Ors

Respondent

INDEX SHEET

Sl.No.	Description of Documents & Date.	Pages.
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4.	Reply Statement. 9-11-97	
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6.	Orders in (Final orders) 18-1-99.	
		17077
	W2199	

Signature of dealing Head
(in Record Section)

Signature of S.O.

C.

OA.809/97

2

DATE	OFFICE NOTE	ORDER
18-1-99	<p>Order delivered. The OA is ordered accordingly. Order vide separate sheets.</p> <p>sk</p>	<p><i>✓</i></p> <p>HBSJP M (J)</p> <p><i>D</i></p> <p>HRRN M (A)</p>

CENTRAL ADMINISTRATIVE TRIBUNAL HYDRAVAD BENCH.

OA NO.

809

OF 1997

K. Sathian & Son

Applicant(s)

VERSUS

The General Manager, (Per.) S.C. Bly

R.N. Secy (S) & Am. (RESPONDENT(S))

Date	Office Note	ORDER
1-7-97		At the request of counsel, list it on 8-7-97 Par HBS SP M(S)
8-7-97		At the request of applicants counsel, list it on 21-7-97.
		Par HBS SP M(S)
		21-7-97.
		Heard Mr. G.V. Sekhary Babu for the applicants and Mr. D.F. Paul for the respondent
		Admit.
		Par HBS SP M(S)
		21-7-97. M(S)
		list this on 23.7.97 no further adjournments will be given
		HBS SP

Admit
22/7/97
Assured
20/7/97

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

ORIGINAL APPLICATION NO. 809 OF 1997

K. Srinivas & others

Applicant(s)

VERSUS

Union of India, Repd. by.

General Manager:

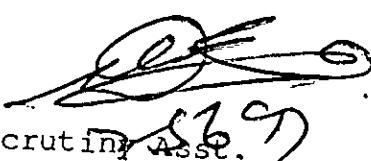
SCRY: Secy: Secyad & antra

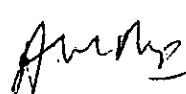
Respondent(s)

The application has been submitted to the Tribunal by
Shri SV Sekhar Babu Advocate/

~~Party in person~~ Under section 19 of the Administrative
Tribunal Act, 1985 and the same has been scrutinised with
reference to the points mentioned in the check list in the
light of the provisions in the Administrative Tribunal
(Procedure) Rules 1987.

The Application is in order and may be listed for
Admission On


Scrutiny Asst. 569


DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the enclosure duly attested been filed. *✓*

12. Has the applicant exhausted all available remedies. *✓*

13. Has the index of documents been filed and pagination done properly. *✓*

14. Has the declaration as required by item No. 7 of form 1 been made. *✓*

15. Have required number of envelope (file size) bearing full addresses of the respondents been filed. *✓*

16. (a) whether the relief sought for, arise out of single cause of action. *✓*
(b) whether any interim relief is prayed for. *✓*

17. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant.

18. Whether this case be heard by single bench. *no*

19. Any other Point.

20. Result of the Scrutiny with initial of the Scrutiny clerk.

✓
Scrutiny Assistant. *✓* 5697

*May 4
filed*

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH ; HYDERABAD.

Dairy No. 1823

Report in the Scrutiny of Application.

Presented by S. S. Babu Date of Presentation.

Applicant (s) K. S. Han & ors. 24/6/89

Respondent (s) 307 S.C. & ors.

Nature of grievance Revision

No. of Applicants 3 No of Respondents.

CLASSIFICATION

Subject Revision (No. 1) Department ; Secy. (No. 2)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations.)
2. Whether name, description and address of all the Parties been furnished in the cause title.
3. (a) Has the application been fully signed and verified.
(b) Have the copies been fully signed.
(c) Have sufficient number of copies of the application been filed.
4. Whether all the necessary Parties are impleaded.
5. Whether English translation of documents in a language other than English or Hindi been filed.
6. Is the application on in time, (See Section 21)
7. Has the Vakaiatnama/Memo of Appearance/Authorisation been filed.
8. Is the application maintainability. (J.S. 2, 14, 18, or U.R. 8 etc.)
9. Is the application accompanied TPO/DO, for Rs. 50/-
10. Has the impugned orders Original, duly attested legible copy been filed.

P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

INDEX SHEET

O.A.NO. 809 of 1997.

CAUSE TITLE

R. Srinivas & Ors

VERSUS

The General Manager (Pen.) S. C. Bldg

R. N. Sec 'lnd & Air

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4.	Objection Sheet	1
5.	Spare Copies	2
6.	Covers	2

7. Reply statement by b/w
O.F. Court M 21/1/97

C
R
10/12

Ref:- To set aside the order dt. 28-2-95
issued by L2 and declare that the
applicants are deemed to have
regularised in 'Sri-C' Posts.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

BENCH CASE HYDERABAD

Bench

O.A.No.

809

of 1997

(1) Revision

Railway

Railway

.....Applicant

(3)

Between:

K.Srihari & others

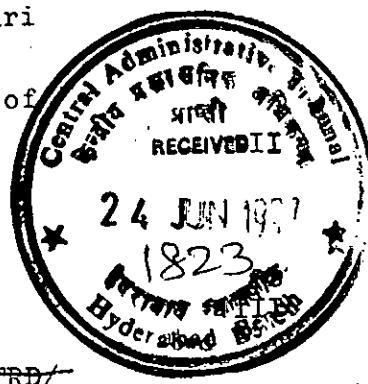
and

Union of India & others

.....Respondents

INDEX OF MATERIAL PAPERS

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3.	Casual Labour Card (G.354) of D.Govardhana Rao		11
4.	Casual Labour No. 20344 of K.Brahmanandam		12
5.	Order No. C/P/676/ONE/ANC/TRD/ dt.19-3-91.		13
5.	Order No. E.252/VVRE/3080/Drivers/ dt.20-11-95.		13
5.	Order No. E.252/KSRE/3080/1/Vol.III dt.24-3-94	IV	13
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4
⑧ Order No. E.252/KSRE/3080/Screening/
Vol.II dt.28-2-97.

⑨ Pay Bill for Feb-97, of K. Srihari

⑩ Pay Bill for Feb-97 of D.Govardhana
Rao

⑪ Judgement citation in Kxx Swamy's
C.L. Digest

VII
26-18

VIII
19

IX
20

Hyderabad.

Dated. 23-6-1997.

Gov. Sehgal

Counsel for Appellants

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD

AT HEDERABAD

O.A.No.

809

of 1997

Between:

K.Srihari & others

...Applicants

and

Union of Indian & others

....Respondents

CHRONOLOGICAL EVENTS

Sl.No.	Date	Applicants Particulars
--------	------	---------------------------

1.	31-1-78 1-6-82 16-8-80	Applicants appointed on daily wages
2.	1982 1983	Applicants 1 and 2 promoted as Mason, Welder Cum Gas Cutter
3.	1-1-84	Applicants granted temporary status
4.	24-3-94	15 Temporary/Casual artisans confirmed in Group-C
5.	31-1-95	8 Temporary artisans confirmed in Group- C
6.	20-11-95	14 Temporary status artisans confirmed in Group -C
7.	28-11-97	Reversion orders passed

Hyderabad

Date. 20-6-97

G. Sankar
Counsel for Applicant

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT: HYDERABAD

O.A.No. 809 of 1997

Between:

1. K.Srihari, s/o Sitaramaiah, aged about 40 years, ^{Mason} Occ: Carpenter, c/o Inspector of Works/Civil Engineering/Railway Electrification/S.C.Railway Vijayawada

2. D.Govardhana Rao, s/o Adeiah, aged about 37 years, Occ: Welder cum Gas-Cutter, c/o Bridge Repair Inspector/Railway Electrification/S.C.Railway/Vijayawada

3. K.Brahmanandam, s/o Venkataratnam, aged about 37 years, Occ: Wireman, c/o Electrification Foreman/General/Electrical/S.C.Railway/Vijayawada

..... Applicants

and

1. Union of India represented by its General Manager (Personnel) South Central Railway, Rail Nilayam Secunderabad

2. Chief Project Manager (Personnel) Railway Electrification Vijayawada

..... Respondents

APPLICATION FILED UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

I. PARTICULARS OF THE APPLICATION:

The particulars of the applicants are same as mentioned in the above cause title.

The address of the applicants for service of all notices etc that of his Counsel Mr.G.V.Sekhar Babu, Advocate H.No.16-2-701/5/15 Anandnagar Malakpet, hyderabad-500 036.

II. PARTICULARS OF THE RESPONDENTS:

The particulars of the respondents are same as mentioned in the above cause title.

III. ORDERS AGAINST WHICH THE APPLICATION IS MADE:

(i) Order No.E.252/KSRE/3080/Civil Engineering/Vol.II

dtd 28/2/1997 passed by Chief Project Manager/Railway

(iii) Subject in brief: To set aside the orders of reversion
 from Group-C posts of Carpenter, Wireman, Welder Cum Gas Cutter and
Wireman in Scale Rs.950-1500 to lower Scale Rs750-940 in Group-D, the
 same being malafide and violative of Articles 14, 15 and 16 and 311
 of the Constitution of India and for declaration that the applicants
 shall be deemed to have been permanently absorbed in
 Group-C etc.

IV. JURISDICTION:

The applicants declare that the subject matter of the O.A. is within the jurisdiction of this Hon'ble Tribunal u/s 14 (1) of the A.T.Act, 1985.

V. LIMITATION:

The applicants declare that the O.A. is within the limitation u/s 21 (a) of the A.T.Act, 1985 as the impugned order was on ~~xx/xx/xx~~ 24-2-97.

VI. FACTS OF THE CASE:

The applicants humbly submit that they all have been appointed as Mason, Welder Cum Gas Cutter and Wireman respectively in the 2nd respondent's office in the years 1978, 1982, and 1980 respectively. Though originally they have been appointed ~~as~~ on daily wages but subsequently the applicants have been granted temporary status, as shown below, with all rights and

privileges enjoyable by permanent employees:

Sl.No.	Name	Designation	Date of appointment	Temporary status
1.	K.Srihari	Khalasi	31-1-78	1981-82 1-1-84
2.	D.Govardhana Rao	Mazdoorman	1-6-82	1-1-84
3.	K.Brahmanandam	Wireman	16-8-80	1-1-84

Thus the applicants have been granted temporary status on completion of required no of days as shown supra and on that the applicants have been enjoying all the rights and privileges like H.R.A, C.C.A, D.A., Provident Fund etc and time scales of of RS.950-1500 and all other allowances and P.T.O.S and leave facilities and Passes in terms of Rule 2005 of the Indian Railway Establishment Manual and in terms of Master Circular No.48. vide G.MO. No. (R) P. (R) 464/MC/48/Casual Labour dtd 12-10-92 .

(ii) It is submitted that though the ~~xx~~ 1st and 2nd applicants have been alternately shown as Khalasi and Mazdoor Man in fact promoted they have been ~~appointed~~ as Mason in 1982 and Welder Cum Gas Cutter in 1983 respectively, from the very inception of their service. Further ~~xx~~ the applicant have been Trade tested at no.s 1 and 2 at the time of their entry into Group-C on their promotion to the said posts while the 3rd applicant has been trade tested in 1980 and he was directly appointed as Wireman in Group-C itself and the Railway Services (Revised Pay) Rules have been made applicable to them (1986).

(iii) As per ~~x~~ rules, regulations, and norms being followed by the Department Artisan posts to the extent of 33 1/3 have to be allotted to the Project from Maintenance on seniority basis. Accordingly in case of Drivers which are Artisan posts 15 temporary status Drivers and in case of Fitters, Mason, Carpenter etc , all numbering ¹⁴ ~~15~~ have been absorbed in existing Group-C in Scale Rs~~950~~ 950-1500, permanently by Order ^Wo.E. 252/KSRE/3080/1/Vol.III dtd 24-3-94 by the 2nd respondent.

(Annexure- V page: 14). The said posts arose in connection with the completion of Vijayawada and Visakhapatnam Railway

Electrification Project and as such the applicant are also entitled for consideration for permanent absorption in Group-C itself. In the Order dtd 24-3-94 cited supra Sri.G.Bhaskara Rao, Sri.M. Harinadhachary have been confirmed in existing Mason, Carpenter posts in existing scales Rs.950-1500.

(iv) Subsequently 8 temporary status artisans who are Drivers namely Sri.N.Daniel, E.Sairama Krishna etc were absorbed permanently in existing Group-C in Scales Rs.950-1500 and above by Order No.E./563/VIII/Vol.VII/Drivers dtd 31-1-95 (Annex: VI page: 15) and these applicants are also entitled for similar absorption as they stand on par with them.

(v) Yet again 14 temporary status artisans who are drivers have also been permanently absorbed in existing Group-C in Scales Rs.950-1500 i.e. Sri.V.Damodar and Sri.T.A.John etc by Orders No.E./563/VIII/Vol.VII/Drivers dtd 31-1-95 E.252/VVRE/3080/ Drivers/ dtd 20-11-95 by the 2nd respondent.

(vi) Whiel that was so the impugned orders No.E./252/KSRE/3080/ Screening/Vol.II dtd 24-2-97 was passed by the 2nd respondent reverting the applicants from Group-C in Scale Rs.950-1500 to the lower unskilled post of Khalasi in Group-D in Scale Rs.750-940 in guise of absorption without notice and malafidely and the same is arbitrary, illegal, and violative of Articles 14, 16 15, and 311 of the Constitution of India and without jurisdiction and unjust and hence is liable to be set aside on the following,

inter alia, other

GROUND

(a) The impugned order is arbitrary, irrational and illegal since as per rules, norms applicable similarly situated employees have to be treated equally and given formal orders for absorption permanently in Group-C in Scale "s.950-1500 which was given to several other temporary status drivers, carpenters etc and denying the same to this applicants is per se illegal, arbitrary and violative of Articles 14, 15 and 311 of the Constitution of India.

(b) 14 temporary status Artisans vide Orders No.E./252/KSRE/3080/1/Vol.III dtd 24-3-94 were given formal orders for permanent absorption in thier existing Scale "s.950-1500 in Group-C itself and similar absorption was given to 8 temporary status artisans (drivers) vide Order no.E/P.563/503 563/VIII/Vol.VII/Drivers dt 31-1-95 confirming them in their existing posts and denying the same to theses applicants who stand on par with them, without any reason is arbitrary, illegal, and unconstitutional and discriminatory under Articles 14 16, and 311 of the Constitution of India and hence illegal.

(c) The impugned order is issued in the guise of absorption but in fact it is an order of reversion from higher post of Driver in Group-C in Scale Rs.950-1500 (skilled) to the lower post of Khalasi (unskilled) in Group-D in lower scale Rs.750-940 and the same is arbitrary, illegal, and passed without complying the procedure in section 9 and 11 of the Railway Servants D&A Rules 1968; hence the same is illegal, being without enquiry or charge sheet etc.

(d) The reduction of the applicant from higher scale Rs. 1200-1800 to the lower time scale of pay, Grade, post in a major penalty is under section 6(vi) and hence imposing the same on this applicant in the guise of absorption is illegal and contrary to section 6, 9 10 of the Railway Servant's D & A Rules to which the applicant is entitled.

(e) The applicant has a ^{blemishless} record of as such he also ^{Service} acquired necessary skill and experience ad the he satisfactory performance and reverting him at this stage without reasons is arbitrary, malafide and illegal.

(f) The applicant never attend the screening as purported in the impugned order and imposing the absorption/ reversion against his will and without his consent is arbitrary, illegal malafide and erroneous.

(g) The respondents are state within the meaning of article 12 of the Constitution, and can not discriminate and exploit this applicant taking advantage of his unequal bargaining power and helplessness.

(h) According to Railway Board order No. E(NG) 62 CL/36 dt 16-1-63 E(NG) II-73 CL/70 dt 13-6-74 and E(NG) II/82/CL/6 dt 18-11-83 casual labour/temporary status engaged in skilled, semi skilled etc., highly skilled gradee, working for long periods ought to be absorbed in their respective Grade to the extent of 25% regular posts available on open line and the impugned order is contrary to the same and is illegal.

(i) The impugned order is contrary to law as laid down by Hon'ble Supreme Court and High Courts and Tribunal: vide

(a) M.Seeni V. Union of India 1994 ~~and Tribunals~~:ATC p 57-58

(b) V.A. Saradamma & Ors V. Union of India (O.A.No. 1003/92
CAT Calcutta Bench by Order dtd 23-8-95)

(c) D.M.Augustine V.Union of India 27 ATC p.500

(d) Bhola Sai & Ors V.Union of India 531. Swamy's CL Digest
1994/2 C.A.T.Patna Bench p.833-834

(e) 1995 (27) ATC p. 534

(f) 1994 (27) 26.p.57-58

(g) 2 SCC 1990 361-365 (h) SLR 1995 (3) 174-179

(i) SCC (1) 1982 p.645-664 (j) S L R (3) 1986 678-682

7. REMEDIES EXHAUSTED :

The applicant ^l declares ^l that they ^{have} has no other alternative and efficacious remedy except to approach this Hon'ble Tribunal by way of filing this O.A.

8. MATTERS PREVIOUSLY FILED OR PENDING :

The applicant ^l submits ^l that they ^{have} has not previously filed any application with regard to the subject matter challenging the matter in respect of which this application has been made before any Court of law or any other authority, or any other bench of this Tribunal, nor any other such application or write petition or suit is pending before any of them.

9. RELIEF SOUGHT :

In view of the facts stated above the applicants humbly pray that this Hon'ble Tribunal may be pleased to call for the records pertaining to order No. E.252/KSRE/3080/Screening/ Vol.II dt 24-2-97 passed by 2nd respondent and set aside the said reversing order No.E.252/KSRE/3080/Screening/Vol. II dt 28-2-97

passed by 2nd respondent declaring the said reversion from Group-C (skilled) posts of respectively Mason, Welder cum Gas Cutter, and Wireman in Scale Rs.950-1500 to the lower posts (Nukke) (un skilled) of Khalasi in Group-D in Scale Rs. 750-940 to be arbitrary, malafide, illegal, un constitutional and violative of Articles 14,16 and 311 of the Constitution of India and violative of Rules 6,7,8 and 9 of the Railway Servants D & A Rules 1968, and declare to that the applicants shall be deemed to ~~the shall~~ ^{have been} been regularised permanently in Group-C posts of Mason, Welder Cum GAs Cutter and Wireman in Scale Rs.950-1500 and pay such other order orders as this Hon'ble Tribunal may been fit proper in the interests of justice.

10. INTERIM RELIEF :

Under the above circumstance the applicant herein humbly prays that this Hon'ble Tribunal may be pleased to suspend the operation of the Order no. E.252/KSRE/3080/Screening/Vol. II dt 28-2-97 passed by 2nd respondent while the continuing the applicant in his present posts Mason, Welder Cum GAs Cutter and Wireman respectively and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

11. PARTICULARS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION

1. No. of Postal Order : 812679660

2. Name of the post Office : ~~Assembly~~ post

3. Date of the Postal Order : 23-6-97
 ✓ R.S. 50-5A

L.P.O./B.C./D.O./Remover

51-
 —

4. Post Office at which Pa

—4 P. H.Y.D

4. Post Office at which payable :

12. LIST OF ENCLOSURES :

- i) Postal Order
- ii) Vakalat
- iii) Material papers as per Index

V E R I F I C A T I O N

K.Srihari, S/o Sitaramaiah, aged about 40 years, Occ: Carpenter, C/o Inspector of Works/Civil Engineering/Railway Electrification/ S.C.Railway Vijayawada. (2) D.Govardhana Rao, S/o Adeiah, aged about 37 years, Occ: Welder cum G's Cutter, C/o Bridge Repair Inspector/Railway Electrification/S.C.Railway/Vijayawada.

(3) K.Brahmanandam, S/o Venkataratnam, aged about 37 years, Occ: Wireman, C/o Electrification Foreman/General/Electrical/ S.C.Railway/Vijayawada. Do hereby certify that the contents of paras 1 to 7 are true to my knowledge and paras 8-13 are believed to be true on legal advice and that We have not suppressed any material facts.

15. San Hori

D. Govardhana Rao
K. Brahma

Dated. 20-6-1997

L.V. Sekhara
Council for Applicant

Signature of the Applicants

CASUAL LABOUR CARD No. 11918

PERSONAL DETAILS TO BE FILLED IN ON APPOINTMENT

Konidala Srihari

1. Name in full -----
(In Block letters)

2. Father's Name ----- Sitaramaiah

3. Date of Birth ----- 23-12-1954

4. Age at intial casual employment -----

5. Educational Qualification ----- Studied VII class

6. Personal marks of Identification 1) A mole on the ring finger
of right hand 2) A mole on the fore arm of right hand

7. Nature of job on intial employment -Casual Labour Khalasi

8. Permanent Address ----- Konidala Srihari
Kavali

Post Office ----- Kavali

Police Station ----- Kavali

Tehsil ----- Kavali
District & State ----- Nellore Andhra Pradesh

9. Name in full of heir -----

10. Relationship -----

11. Permanent Address of heir -----

Signature or L.T.I of the
casual labour.

SK 23/6/43

SOUTH CENTRAL RAILWAY

CASUAL LABOUR SERVICE CARD

office/Department

1. Name in full (In Block letters) ... D.GOVARDHANA RAO

2. Father's Name D.ADEIAH

3. Date of Birth 16-6-1959 (Fifty Nine)

4. Age at intial casual
employment 20 Year 3 Month....5. Personal Mark of Identification 1) A mole on the left side of
the shoulder 2) A mole on the left side of the shoulder
bow6. Nature of job on intial
employment M/Man7. Left of hand thumb impression of the Casual Labour
Left of D.Govardhana Rao. LTI No. 221

Sl	Period of Employment	Nature of assign ment and place of duty	Signature and Designation (with station and division) of the supervisory official with date
No. From	To		

1. 13-4-79 30-4-79 15 days

2. 1-5-79 31-5-79 27 days

3. 1-6-79 30-6-79 26 days

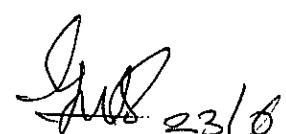
4. 1-8-79 31-7-79 24 days

5. 1-8-79 31-8-79 26 days

Total 118 days

Sd. xxx

DSK/RE/BZA.



12/10

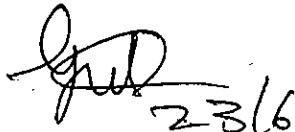
CASUAL LABOUR CARD No. 20344

TEMPARARY STASTUS GRANTED ON 1-1- 1986 VERIFIED WITH LTI

PERSONAL DETAILS TO BE FILLED IN ON FIRST APPOINTMENT

1. Name in full KATTOEA BRAHMANANDAM
(in Block letters).....
2. Father's Name VENKATARATNAM.....
3. Date of Birth 13-8-1959.....
4. Age at initial casual employment 21.....
5. Educational Qualification IX.....
6. Personal marks of identification:-
 - 1) A mole on the left lower arm 1" to the elbow joint
 - 2) A mole on the left cheek 1cm apart
7. Nature of job on initial
employment Basic Wireman.....
8. Permanent Address C/o Sivakoti Rama Chari
Post Office Anjaneya wagu.....
Police Station...Bangarayya shop
Tehsil Kothapet.....
District & State Vijaya wada : Andhra Pradesh.....
9. Name in full of heir
10. Relationship
11. Permanent address of heir

Signature of L.T.I. of the
casual labour.


236

INDIAN RAILWAYS.
RAILWAY ELECTRIFICATION

NO.E.252/KSRE/3080/1/Vol.III

Dt. 23-3-1994.

DY.CEE/RE/BZA, SEE/OHE/RE/BZA,
SEE/C/RE/BZA, ASTE/RE/SC.

Office of the
CPM/RE/BZA.

ASB

IV

13

18
14

Sub:- Filling up the posts of Artizans created for
maintenance of new TRD assets of KSRE SC(BG).

Divn. - Relieving of RE Casual Labour screened
for absorption as artizans.

Ref:- 1. DRM(P)BG/SC's memorandum is issued under
letter No.C.P.676/VAC/TRD.94 dated 7-3-1994.
2. DRM(BG)SC's letter No.CP/676/VAC/TRD/94
dated 9-3-1994.

The following RE Casual Labour artizans who were screened and
engaged for absorption as artizans in scale Rs.950-1500 (RS RP)
in TRD Organisation of SC(BG) Divn. vide DRM/P/BG/SC's memoran-
dum under reference No.1, should be relieved immediately from
RE with instructions to report to Sr.DPO(BG)SC for orders in
regard to their training before regular absorption.

Sl. No.	Name of the C.L.	Designation	Unit working
1.	S/Sri		
1.	V.Raghuramaiah	Fitter/Gr.II	Dy.CEE/RE/KZJ
2.	T.Ratnam	Blacksmith	-do-
3.	Sk.Saleem	Lineman/Gr.II	-do-
4.	G.Bhaskara Rao	Mason	-do-
5.	Ch.Marasimham	Driver	ASTE/RE/SC
6.	M.Harinadhachary	Carpenter	-do-
7.	G.Krishnamurthy	Blacksmith/Gr.II	Dy.CEE/RE/KZJ
8.	Sk.Kaleshavalli	Fitter	SEE/OHE/RE/BZA
9.	K.Sudarshanarao	-do-	-do-
10.	S.V.L.S.Ramaraao	-do-	-do-
11.	P.Loviraju	Electrician	Dy.CEE/RE/KZJ
12.	K.Balakrishnanraju	Fitter	-do-
13.	P.V.Marasimharao	-do-	-do-
14.	T.Ramakrishna	Fitter	-do-
15.	S.N.M.Mohiddin	Electrician	SEE/G/RE/BZA.

This issues with the approval of CPM/RE/BZA.

(D. RAMA MURTHY) 24/3/94
for CPM/RE/BZA.

Copy to:- Sr.DEE/TRD/BG/SC, Serial No.1, 10 to 14 are required
to be continued to work as TSS/SS Operators in
KZJ-SC section. He may please take these Candidates
on his rolls and continue them as Operators.

Dy.FA&CAO/RE/BZA, Sr.DAO/BG/SC, Sr.DPO/BG/SC,
Dy.CSTE/RE/BZA,
S.R & Bill Clerks of SPO/RE/O/BZA for information
and necessary action.

Mr.

23/6/94

105/14-A
The Syllabus for the above Trade Test is enclosed for Circulation
among the above Casual Labour Drivers.

This issues with the approval of competent authority.
Encl: as above.

R.V.R.N.RAO 24/11/71
(R.V.R.N.RAO)
for C.I.M./RE/BZA.

c/-DY.CEE/HQ/RE/BZA, & Chairman Trade Testing Committee.
c/-SEE/OHE/RE/BZA: & Forwarding Authority of Trade Testing Committee.
c/-AEE/HQ/RE/BZA & Trade Testing Officer.
c/-Shri Goparaju Kumar, JEE/I/OHE/RE/BZA (Trade Testing Supervisor).
c/-DY.CEE/OHE/RE/BZA: It is requested to spare the services of
Shri Goparaju Kumar, JEE/I/OHE/RE/BZA to conduct the above
Trade Test.
c/-SAO/RE/BZA
c/-The Secretary, S.C.R.E.Sangh/RE Branch/BZA.
c/-The Secretary, S.C.R.M.Union/RE Branch/BZA.

Shri
23/6/97

9.30.100 - 43

white - 466

SC/CE
21/11/95
22/11/95
22

Office of the
CFM/RE/BZA

to.E.252/VVRE/3080/Drivers Dt.25.11.1995
20

CSE/PE/RE: CSTE/RE/SC: DCE/RE/BZA: DEE/GASS/RE/BZA: DEE/RE/SC
ACOS/RE/BZA: ASTE/RE/RJY: AEE/HQ/RE/BZA: DSTE/RE/BZA
DY CEE/CHE/RE/BZA; Dy. CEE/RE/VSKE

Sub: Filling up of vacancies of Vehicle Drivers posts in scale
Rs.1200-1800(RSRP) by PE Casual Labour Drivers in scale Rs.
950-1500(FSRP).

The following casual labour Drivers on scale Rs.950-1500(FSRP)
working under your control, may be directed to report to
Shri P.G.Sastry, ABP/RE/PE/SC (Trade Testing Officer) on the
dates shown against each at 8.00 hrs at the Office of JEE/Gr.1/
OIE/PE/BZA to appear for Trade Test for the posts of Vehicle
Drivers in scale Rs.1200-1800(RSRP).

S.No.	Name of the C.L. S/Bhri	Designation/ Unit working	Date of Trade Test
1.	V.Damodar	Driver, DY.CE/PE/O/BZA	27.11.95
2.	P.A.John	-do-	CSTE/PE/O/BZA
3.	A.Razaak	-do-	AEE/HQ/RE/O/BZA
4.	P.Venkata Subbaiah	-do-	-do-
5.	H.Kondala Rao	C/Driver,	DY.CEE/PE/BZA
6.	A.Chandira	Driver	ASTE/RE/PE/RJY
7.	<u>M.Raju</u>	-do-	DEE/RE/O/SC
8.	<u>Y.Raj Kumar</u>	-do-	DEE/GASS/RE/BZA
9.	H.Madanna	-do-	CSE/RE/O/BZA
10.	Y.Krupanendam	-do-	ACOS/RE/O/BZA
11.	<u>V.Jaya Rao</u>	-do-	DEE/GASS/RE/O/BZA
12.	P.Suri Babu	-do-	DY.CEE/RE/O/VSKE
13.	G.Sri Hari	-do-	-do-
14.	G.V.Chalapathi Rao	-do-	DSTE/RE/O/BZA

They have to bring their Original Driving Licences with them.

Copy of the
DBM/P/BZA
S/P. 563/VIIA/Vol. VII/Drivoxe dt. 31.1.95

Office of the
DBM/P/BZA

A/S

B. 20

A VI

20 15

CE/CN/GC/BZA Dy. CE/CN/III-GB/RJY
CE/CN/BZA Dy. CE/RE/BZA

The following CMR drivers have reported to this office on 30.1.95 for trade test/viva voce post of Motor drivers grade IIX but trade test/viva voce could not be conducted due to non-availability of committee members. Therefore, screening was conducted on 31.1.95 and are relieved in the afternoon of 31.1.95.

Sl. No. Name/Designation
S/ Shri

1. R. Daniel, CMR Dr/Dy. CE/CN/GC/BZA
2. K. Sali Ramakrishna, CMR Dr/Dy. CE/CN/BZA
3. D. Nagaraju, CMR Dr/Dy. CE/RE/BZA
4. M. Nagundraprasad, CMR Dr/Dy. CE/CN/OC/BZA
5. P. Appalareddy, CMR Dr/Dy. CE/III-GB/RJY
6. Y. Sreedevarreddy, CMR Dr/Dy. CE/RE/BZA
7. S. A. Joseph, CMR Dr/Dy. CE/CN/GC/BZA
8. K. Swanson, CMR Dr/Dy. CE/CN/III-GB/RJY

(V. V. Mudaliar)
/Sr. Divisional Personnel Officer
S.C. Railway, Vijayawada

23/6/95

(1) (2)

14. R.Narasimhulu
15. B.Murthy

16. P.Nageswara Rao

17. S.S.Srinivasulu

18. P.Pethuru

19. D.Jaya Rao

20. D.Yesudas

21. D.Mosas

22. D.Vikandasacharyulu

23. Ch.Venkateswara Rao

24. T.Prasada Rao

25. V.Satyana~~r~~ana

26. Ch.Sreecanth.Babu

27. S.Suryanarayana

28. S.Benjaminbabu

29. J.Narayana Raju

30. Sd.M.Basha

31. V.Jai Rao

32. G.Satyana~~r~~ayana

33. Ch.Janakiramu

34. P.Ramakoteswara Rao

35. G.Gangadhara Raju

36. K.Ramakoteswara Rao

37. B.Adam

38. G.V.Prasada Rao

39. G.Buddaiah

40. D.Sarangapani

41. Ch.Changalrayudu

42. Sd.Aktar John

43. K.S.Kantha Raju

44. P.Venkateswarlu

45. A.Balaiah

M.Man, DEN/RE/BZA
Gangman, DEN/RE/RJYDriver, Dy.FA&CAO/ Sub.to prodn. of
RE/BZA Edn. certificates.Khalasi, Dy.CEE/ -do-
OHE/RE/BZA

Khalasi, SSO/RE/BZA -do-

Khalasi, CSTE/RE/BZA -do-

Fitter, Dy.CEE/OHE/RE/BZA

Wireman, Dy.CEE/RE/RJY
Khalasi, CSTE/RE/BZA
Fitter, CSTE/RE/BZA
Khalasi, DSTE/RE/RJY Sub.to prodn. of
Edn.certificates.

Khalasi, DSTE/RE/RJY

Driver, CEE/RE/BZA

H/Man, DSTE/RE/RJY

Khalasi, CSTE/RE/BZA

W/Man, DEE/G&SS/RE/BZA

Khalasi, CSTE/RE/BZA

Driver, DEE/G&SS/RE/BZA

Driver, SEE/HQ/RE/BZA

M/Man, DEN/RE/BZA

TOM, CSTE/RE/BZA Sub.to prodn. of

Edn. certificates.

Record Sorter, CEE/RE/BZA

Gangman, DEN/RE/RJY Sub.to prodn. of

Gangman, DEN/RE/BZA Edn. certificate

Khalasi, Dy.CSTE/RE/RJY

Wireman, DEE/G&SS/RE/BZA

Khalasi, DSTE/RE/RJY

M/Man, DEN/RE/BZA

Khalasi, CEE/RE/BZA

Fitter, DEE/G&SS/RE/BZA

Khalasi, SSO/RE/BZA

Welder, DEN/RE/BZA Sub.to prodn. of

Edn. certificates.

(contd..3..)

INDIAN RAILWAYS
RAILWAY ELECTRIFICATION

Office of the CPM/RE/BZA
No. E.252/KSRE/3080/Screening/Vol.II

Date: 28.02.1997.

CSTE/RE/BZA; CEE/RE/BZA;
Dy. F&CAO/RE/BZA; Dy.CEE/OHE/RE/BZA
Dy.CEE/RE/RJY; Dy.CEE/RE/VSKP
Dy.CSTE/RE/RJY; DSTE/RE/VSKP
DEE/GSS/RE/BZA; DEE/RE/BZA;
SEE/HQ/RE/BZA; DEN/RE/BZA;
SSO/RE/BZA;
ACOS/RE/BZA; AEN/RE/RJY

sub: Filling up of the vacancies of Khalasis in scale
Rs.750-940(RSRP) in TrD Organisation of BZA Division

The following Casual Labour of this Project who were screened and empanelled for absorption as Khalasis in scale Rs.750-940(RSRP) in TrD Department of BZA Division vide this office letter of even No. dt.24.2.97 should be relieved with the instructions to report to Sr.DEE/TrD/BZA on 3.3.1997 for issuing posting orders, as advised vide Sr.DPO/BZA's letter No.B/P.564/II/TrD/Vol.III, dt.28.2.97. The CLs should bring their original certificates in support of their educational qualifications, date of birth, caste etc..

Sl. No.	Name of the CL(S/Sri)	Design/Unit	Remarks
(1)	(2)	(3)	(4)
1.	K.John	Wireman, CSTE/RE/BZA	Sub.to prodn. of Edn. certificate.
2.	D.John	Works Asst., CEE/RE/BZA	
3.	V.Venkataiah	Khalasi, DSTE/RE/KZJ	Sub.to prodn. of Edn. certificates
4.	T.A.John	Driver, CSTE/RE/BZA	
5.	B.Penchalaiah	Mason, CSTE/RE/BZA	Sub.to prodn. of Edn. certificate
6.	Ch.Venkaiah	Wireman -do-	
7.	K.Srihari	Mason, DEN/RE/BZA	
8.	L.Suryaprakasa Rao	Driver -do-	
9.	D.Govarchana Rao	H/Man, DEE/RE/BZA	
10.	K.Brahmanandam	Wireman, CEE/RE/BZA	
11.	V.S.S.Ramaraju	Driver, SEE/HQ/RE/BZA	
12.	Z.Subba Rao	Khalasi, CSTE/RE/BZA	Sub.to prodn. of Edn. certificate.
13.	K.Srinivasulu	Driver, SEE/HQ/RE/BZA	(contd..2..)

18
:: 3 ::

(1)	(2)	(3)	(4)
46. A.Nageswara Rao		W/Asst., Dy.CEE/OHE/RE/BZA	
47. K.Dharma Reddy		H/Man, DEN/RE/BZA	
48. J.Krogya Raj		Painter, Dy.CEE/OHE/RE/BZA	
49. A.Ganesh Babu		Driver, CEE/RE/BZA	
50. M.Raju		Driver, Dy.CEE/RE/RJY	

This issues with the approval of competent authority.

Rao
(R.V.R.N. RAO) 28/2/97
for CPM/RE/BZA

c/- CPO/SC
c/- DRM/P/BZA with reference to his Lr.No. 1/P.564/II/TrD/
BZA, Dt. 28.2.97
c/- Sr.DEE/TrD/BZA
c/- OIs concerned
s/- SR & Bill Clerk and Leave Clerks of SPO/RE/O/BZA
c/- Secretary, SCRE Sangh/ RE Branch/BZA
c/- Secretary, SCR/M Union/RE Branch/BZA

Spd
23(6/9)

VIII 19

COMPUTER CENTRE/BZA

Indian Railways Unit : DEN/RE/BZA DEPT: ENGG(BRI) PAY BILL FOR FEB'97 Sl No 60 Railway Electrification

NAME	SRI D. GOVARDHANA RAO	DESC: W/GAS CUTT	STN: BZA	PF NO : 196563	DAY: 28	BASIC: 970.00	PAY	970.
DA	1542.00 HRA	250.00 CCA	35.00 T. A.	378.00 PER-PAY	12.00 PAY-ARS	.00		
N. D. A.	.00 N. H. A.	.00 R. T. F.	.00 CON-ALLOW	.00 I. R.	100.00 MIS-ARS	.00	A. D. J.	
IR-II	100.00 F. A.	.00 Paper	.00 IR-III	100.00 Ars of DA	.00		G R O B S	3487.
PF-SUB	61.00 PF-ADV	250.00 VPF	.00 DA Cr.	.00 F. A.	60.00 RI	.00	DEDUCTION:	821.
RENT	.00 WATER	.00 E. E.	.00 LAWN	.00 GARAGE	.00 GEYSER	.00	N E T	2666.
CYCLE	20.00 CYC-INT	.00 HBA	.00 HBA-INT	.00 FAN-ADV	.00 FAN-INT	.00		
MBF	.00 PLI	.00 LIC	65.30 A/RENT	.00 REIS	.00 P-TAX	35.00		
O-P OF HRA	.00 SERV/GRS	.00 O-P-PAY	.00 ARR-E. E.	.00 ADV-PAY	.00 ADV-OF-TA	.00		
CAR-ADV	.00 I. TAX	.00 VEHICLE	.00 SCOOTER	.00 SCTR-INT	.00 GIS	.00		
TELEPHONE	.00 RLY-CLUB	.00 STAFF CAR	.00 DIET CHAR	.00 COURT	.00 L-MATERIA	.00		
CCS	NAS MBF	.00 LOAN	250.00 CMTD	60.00 SHARES	.00 FAN-HIRE	.00		
PAYMENT: CASH					ALCN: 203546 02 VVRE		SIGNATURE	

COMPUTER CENTRE/RE/BZA

Indian Railways Unit : DEN/RE/BZA DEPT: ENGG(BRI) PAY BILL FOR JUN'97 Sl No 42 Railway Electrification

NAME	SRI K. SRIHARI	DESC: MASON	STN: BZA	PF NO : 196803	DAY: 31	BASIC: 1250.00	PAY	1250.00
DA	1988.00 HRA	250.00 CCA	35.00 T. A.	243.00 PER-PAY	20.00 PAY-ARS	.00		
N. D. A.	.00 N. H. A.	.00 R. T. F.	.00 CON-ALLOW	.00 I. R.	100.00 MIS-ARS	.00	A. D. J.	.00
IR-II	125.00 F. A.	.00 Paper	.00 IR-III	125.00 Ars of DA	.00		G R O B S	4136.00
PF-SUB	104.00 PF-ADV	.00 VPF	.00 DA Cr.	.00 F. A.	.00 RI	.00	DEDUCTION:	124.00
RENT	.00 WATER	.00 E. E.	.00 LAWN	.00 GARAGE	.00 GEYSER	.00	N E T	4012.00
CYCLE	.00 CYC-INT	.00 HBA	.00 HBA-INT	.00 FAN-ADV	.00 FAN-INT	.00		
MBF	.00 PLI	.00 LIC	.00 A/RENT	.00 REIS	.00 P-TAX	20.00		
O-P OF HRA	.00 SERV/GRS	.00 O-P-PAY	.00 ARR-E. E.	.00 ADV-PAY	.00 ADV-OF-TA	.00		
CAR-ADV	.00 I. TAX	.00 VEHICLE	.00 SCOOTER	.00 SCTR-INT	.00 GIS	.00		
TELEPHONE	.00 RLY-CLUB	.00 STAFF CAR	.00 DIET CHAR	.00 COURT	.00 L-MATERIA	.00		
CCS	MBF	.00 LOAN	.00 CMTD	.00 SHARES	.00 FAN-HIRE	.00		
PAYMENT: CASH					ALCN: 203563 02 VVRE		SIGNATURE	

23/6/97

the casual labourers. Accordingly, the scheme *vide order*, dated 12-4-1991, has been evolved by the Department and has also been approved by the Supreme Court. Hence the Postal Department cannot say now that while a large number of casual labourers will be employed continuously for a large number of years in various Air Mail Sorting Divisions, they can never be given temporary status or regularization due to peculiar conditions prevailing in these units. However, as mentioned in these case of *Piara Singh and others (supra)*, they can evolve suitable modifications or lay down additional conditions.

For instance, we find that the scheme itself lays down that the casual labourers can be regularized in units other than the recruiting units subject to availability of vacancies to cater for such eventualities. The engagement of casual labourer will continue to be at daily rates of pay on need basis. No recruitment from open market for Group 'D' posts except compassionate appointment will be done. The respondents have not stated as to why the applicants based on the weightage of 50% of their services as part-time casual labourers, cannot be considered and their services regularized in other units in Madras of the Postal Department. Considering the peculiar circumstances of the Air Mail Sorting Division if this action is not taken, it will only be clearly unfair to the applicants herein, since it will lead to some junior casual labourers working in other units with much lesser years of service being regularized against the vacancies in those units without considering the case of the applicants who have put in long years of service, but also would amount to violation of the spirit of the scheme approved by the Supreme Court.

531. Swamy's CL Digest 1994/2

CENTRAL ADMINISTRATIVE TRIBUNAL PATNA BENCH

Bhola Rai and others v. Union of India and others

O.A. No. 455 of 1992 Date of Judgment 28-7-1994

Reversion to lower grade of casual labour working for long periods in the higher grade on casual basis, not sustainable

Facts: The applicants were initially engaged as casual Gangman on daily rate basis in N.E. Railway on different dates between 1967 and 1976, and after their discharge from their respective posts on expiry of sanction, they were again engaged on casual basis, against the posts of Welder, Aligner, Moulder, Looter, Hammermen all in the then time-scale of Rs. 260-400, since revised to Rs. 950-1,500 with effect from 1-1-1986. They were given temporary status and are continuously working against the said Group 'C' posts with effect from 2/3-5-1982. By the impugned order, dated 20-10-1992, the applicants have been transferred as Junior Gangman in the scale of Rs. 775-1,025. Aggrieved by this order, the applicants have approached the Tribunal for relief.

CL-53

33/6/94

Held: The question for decision is, whether the action of the respondents in posting the applicants from posts in the scale of Rs. 950-1,500 to the posts of Junior Gangman in the scale of Rs. 775-1,025 after the applicants have put in service for over 10 years in the Higher Grade posts is sustainable in the facts and circumstances of the case.

Coming to the factual matrix of this case, it is evident that the applicants were initially engaged as casual Gangman, but were discharged subsequently and thereafter, they were re-engaged on casual basis against the posts of Welder, Aligner, Moulder, Looter, and Hammerman (Scale Rs. 260-400/ Rs. 950-1,500) and have been continuously working as such against temporary work-charged posts or estimates for over 10 years since 2/3-5-1982. By the impugned orders, dated 20-10-1992, they are sought to be reverted to the lower grade posts of Junior Gangman (Scale Rs. 775-1,025) by way of regularization on the basis of proper screening. In this case, there is a basic question of equity. It is not that they have failed in a particular test held by the respondents for their continuance/regularization or a notice/show cause has been given to them before issue of the impugned orders. On the contrary, the impugned orders are issued behind the back of the applicants on the basis of a paper screening. Equity demands that they deserve a better treatment commensurate with the principle of natural justice. In our view, the orders, dated 20-10-1992, are, arbitrary and, hence, violative of the provisions of Article 14 of the Constitution of India. We are not impressed by the submissions of the respondents that regularization of the applicants against higher grade posts which they are holding at present will prejudice the interest of a large number of Gangman who are supposedly senior to the applicant, since the applicants are already engaged in semi-skilled/skilled category in the higher grade by the respondents and they are continuously working against the higher grade posts for over 10 years. Further, the applicants were discharged from the posts of casual Gangman to which they were initially engaged and thereafter only, they were put to work against the present posts on casual basis. In this view of the matter we hold that there is no link between the two sets of engagements. It will be inequitable to deny the applicants the benefit of their continuous working in scale (Rs. 260-400) Rs. 950-1,500 and subject them to reversion to the grade of Rs. 775-1,025 merely on the ground that they were initially engaged as junior Gangman on casual basis.

In the conspectus of the facts and circumstances discussed above, we allow the application and set aside the impugned orders, dated 20-10-1992, and direct the respondents to consider regular absorption of the applicants against the same posts or posts in the same time-scale of pay in which they are working since 2/3-5-1982, as the case may be, in accordance with the rules.

532. Swamy's CL Digest 1994/2

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH

26
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD
AT HYDERABAD

O.A.NO. 809 of 1997

Between:

K.Srihari & 2 others .. Applicants

And

Union of India by

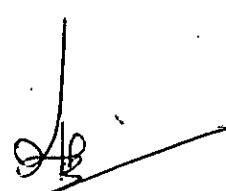
General Manager,
South Central Railway
Secunderabad & Others. .. Respondents.

REPLY STATEMENT FILED ON BEHALF OF RESPONDENT

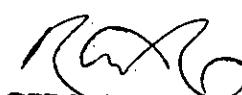
I, R.V.R.N. Rao, s/o R.Satyanarayana, aged 51 years
occupation: Government service, residing at Vijayawada do
hereby solemnly affirm and state as follows:

1. I am working as Chief Project Manager (Personnel)/Railway
Electrification, Vijayawada and Respondent No.2 in the case
and as such I am well acquainted with the facts of the
case. I am filing this reply statement on behalf of both
the respondents and I have been authorised to do. I have
gone through the O.A. and I hereby deny the various material
averments made therein, save those that are expressly
admitted herein. The applicant is put to strict proof of
all those averments which are not specifically admitted
hereunder:

contd.. 2..


ATTESTOR

DIVISIONAL ENGINEER
Railway Electrification
VIJAYAWADA.


DEPONENT
R.V.R.N. RAO
Sr. Personnel Officer
Railway Electrification
VIJAYAWADA

2. The respondents further submit as under, in reply to the various averments made in Para VI of the OA para by para.

Para VI(i): The service particulars of the applicants are furnished below:

 SL. Name of the applicant Initial engagement Present Design.
 No. S/Sri w.e.f. Capacity Unit in FD/Vijayawada
 w.e.f.

1. K.Srihari 1.5.78 CL Khalasi Q&W Brick Layer
 Inspector/ 28.2.83
 RE/
 Vijayawada

2. D.Govardhana Rao 13.4.79 CL Mazdoor- DSK/RE/ Welder-cum-
 Man Vijayawada Gas cutter 26.7.96.

3. K.Brahmanandam. 22.8.80 Basic Wire- EF/G/RE/ Wireman
 Man Vijayawada 1.12.83

The above applicants who were initially engaged as Casual Labour in lower grade as indicated in Column No.5 were promoted as Casual Labour in skilled grade on adhoc basis as indicated in Column No.6. They were granted temporary status w.e.f. 1.1.84 as Brick Layer in scale Rs.260-400(RS), as Mazdoor Man in scale Rs.196-232(RS), as Khalasi in scale Rs.196-232(RS) respectively on completion of 360 days casual labour service in terms of Railway Board's letter No. E(NG) II/84/CL/741 dated 11.9.86 (Annexure-I). Casual Labour are being engaged in Railway Projects to carryout specific works in specified period. However, project casual labour with temporary status are entitled to some rights and benefits as admissible to temporary Railway Servants such as pay and allowances, passes, leave etc., as laid down in Chapter-XXIII of IREM(1968) (Annexure-2) and now revised Chapter-XV of IREM Vol.I 1989 (Annexure-3) and as mentioned in Para 2005(2) in Chapter-XX of IREM Vol-II 1990 (Annexure-4). The Casual Labour with temporary status are also governed by Railway Servants' Discipline and Appeal Rules, 1966.

contd..3..

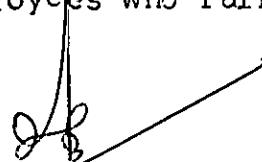

 B.V.R.N. RAO
 Sr. Personnel Officer
 Railway Electrification
 VIJAYAWADA

But Casual Labour with or without temporary status are not temporary Railway Servants as per the definition of the word 'Temporary' Railway Servant' given in Para 150(i) in Chapter-XV of IREM Vol. I, 1989 (Annexure-3). Casual Labour is not a Railway Servant as per the definition given to the word 'Railway Servant' in sub-rule 43 in rule 103 of IRE Code, 1985 (Annexure-5). Casual Labour in projects who acquired temporary status should not be brought on to the permanent/regular establishment or treated as in regular employment on Railways until and unless they are considered for absorption (regular appointment) against regular Group 'D' vacancies offered by open line Railway by process of screening as per Para 2005(b) of Indian Railway Establishment Manual Vol.II 1990 (Annexure-6). Therefore, Casual Labour with temporary status will not become a regular employee unless he was absorbed by process of screening.

ii. The applicants No.1, 2 and 3 were initially engaged as Casual Labour Khalasi, Mazdoorman and Basic Wireman respectively and they were promoted as Skilled Artisan (Group 'C') as Brick Layer, Welder-cum-Gas cutter and Wireman respectively from the date as mentioned in Para (i) above.

iii. Regular vacancies in the category of skilled artisan grade III in scale Rs.950-1500 (PSRP) (Regular Group 'C' posts) in various Engineering departments of open line Railway will be filled as per the instructions contained in Para 159(i)(ii) (iii) of Vol.I(1989) (Annexure-7) as indicated below:

(a) 25% by selection from course completed Act Apprentices, ITI passed candidates and matriculates from the open market and serving employees who fulfil the above conditions.



ATTESTOR

DIVISIONAL ENGINEER
Railway Electrification
VIJAYAWADA



DEPONENT

contd. 4.

R.V.R.N. RAO
Sr. Personnel Officer
Railway Electrification
VIJAYAWADA

(b) 25% from serving semi-skilled and unskilled staff with educational qualifications as laid down in Apprentice Act and (c) 50% by promotion of staff in the lower grade as per prescribed procedure.

As per the instructions contained in Para 2007(3) (Annexure-8) Casual Labour engaged in workcharged establishment of certain department who get promoted to semi-skilled, skilled and highly skilled categories in work charged establishment after qualifying in the trade test, can straight away be absorbed in regular vacancies in skilled grade Rs.950-1500 (RSRP) (Group 'C' post) to the extent of 25% of vacancies reserved for departmental promotion from unskilled and semi-skilled categories.

Therefore, Casual Labour in project are also being considered against Group 'D' posts and Artizan (Group 'C') posts in open line Railways when the open line Railways notify such posts duly allotting them to the project casual labour working within Railway division.

DRM(P)/BG/SC called for applications from RE Project Casual Labour Artisan for filling up of 23 artizan posts (regular posts) in scale Rs.950-1500 (RSRP) in TRD Department of Secunderabad Division on South Central Railway by undertaking screening vide letter No. CP/676/VAC/TRD/TRS/ELS/93, dated 8.12.93 (Annexure-8).

Accordingly CRM/RE/BZA (Respondent No.2) issued letter calling applications from Project Casual Labour artisan irrespective of trade for absorption as artizan in scale Rs.950-1500 (RSRP) in TRD department of Secunderabad Division of South Central Railway vide letter No. E.252/KSRE/3080/1/Vol.III dated 15/16.12.93 (Annexure-9). 34 Casual Labour artizan

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ATTESTOR

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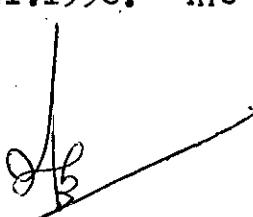
DEPONENT
R.V.R.N. RAO
Sr. Personnel Officer
Railway Electrification
VIJAYAWADA

working in various trades such as Mason, Driver etc., applied for absorption as artizan. But the applicants No.1 & 3 who worked as artizan at that time did not apply for absorption as artizan. All the 34 casual labour artizan were directed for screening held on 16.2.94 at Secunderabad in the office of the Divisional Electrical Engineer/TRD/BG/Secunderabad. Out of the 34 CL artizan, 15 CL artizan including one CL Mason who were found suitable and empanelled for absorption as artizan were ordered to be relieved from Railway Electrification Project to report to Sr.Divisional Personnel Officer/BG/Secunderabad (open line) for orders in regard to their training before regular absorption vide this office letter No. E.252/KSRE/3080/1/Vol.III, dated 23/24.3.94 (Annexure-10).

The applicant No.1 and 3 did not submit applications for absorption as artizan at that time. Therefore, they were not considered for absorption as artizan (Group 'C') post at that time. Applicant No.2 is not eligible to apply for the artizan as he was working as Casual Labour Khalasi at that time.

iv) For purpose of screening and absorption of Project Casual Labour Drivers of this project as Driver in scale Rs.950-1500 (RSRP) (Group 'C' post) in Vijayawada Division, seniority list of 28 Project Casual Labour Drivers of this project was issued vide this office letter No.E.252/KSRE/3080/Screening/Vol.I, dated 24.1.95. Out of the 24 Project Casual Labour Drivers, 2 senior most Project Casual Labour Drivers were called for trade test/viva-voce by Sr.Divisional Personnel Officer, Vijayawada. Accordingly they attended trade test/viva-voce vide Sr.Divisional Personnel Officer, Vijayawada's letter No.13/P/563/VIII/Vol.VII/Drivers, dated 31.1.1995. The 2 senior most Project Casual

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ATTESTOR

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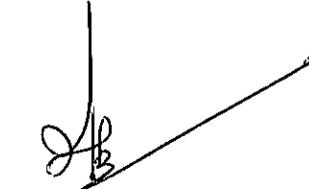


DEPONENT
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Labour of this project who were found suitable in trade test/viva-voce were absorbed as Drivers in scale Rs.950-1500(RSRP) in BZA division. The other casual labour namely N.Daniel and N.Sai Ramakrishna were not belonging to RE/BZA project. They might have belonged to construction unit of open line Railway.

v) No orders were issued by this office absorbing 14 Project Casual Labour artizans with temporary status in existing group 'C' in scale Rs.950-1500(RSRP) including Sri V.Damodar and Sri T.A.John. However, 14 Project Casual Labour Drivers with temporary status of this project including Sri V.Damodhar and Sri T.A.John working in scale Rs.950-1500(RSRP) were called for trade test for giving adhoc promotion as project casual labour Drivers in scale Rs.1200-1800(RSRP) in this project vide this office letter No.E.252/WRE/3080/Driver, dt. 15/29.11.95. As per extant rules absorption orders to project casual labours will be given by open line Railways. On receipt of such orders project office will issue relief orders to them to report to open line authorities. Therefore, the question of issuing absorption orders by this project does not arise.

vi) As already stated in para (i) above, Casual Labour with temporary status should not be brought in the permanent or regular, establishment or treated as in regular employment in Railways ~~until~~ and unless they are considered for absorption against regular vacancies offered by open line Railways and by process of screening. Accordingly Casual Labour working as unskilled (in Group 'D' post) or skilled (Group 'C' post) will be considered for absorption in Group 'D' posts offered by open line Railways. BZA division offered 170 posts of Khalasis in scale Rs. 750-940(RSRP) (Group 'D' posts) for absorption of 170



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Sr. Personnel Officer
Railway Electrification
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Project Casual Labour of this project casual labour. The 3 applicants of this OA along with other 167 project casual labour were empanelled for absorption as Khalasis in scale Rs.750-940(RSRP) in TRD department of BZA division based on their seniority position, educational qualification, medical fitness vide this office letter No. E.252/KSRE/3080/Screening/Vol.II dt. 24.2.97 (Impurged order), Sr. DPO/BZA (open line Railway issued posting orders to project casual labour including the 3 applicants as Khalasi on absorption vide Lr. No. B/P.564/II/TRD/Vol.III, dt. 3.3.97. Accordingly the 3 applicants were relieved by this project to BZA division as Khalasi. Casual Labour working as artizan in scale Rs.950-1500(RSRP) is absorbed in group 'D' post against regular vacancies after screening as per extant rules. It will not be called a reversion from Group 'C' to Group 'D' posts.

The question of reverting Casual Labour with temporary status from Group 'C' to Group 'D' will arise, if he is imposed with such penalty by competent authority for mis-behaviour or mis-conduct etc. under Railway Servants Discipline and Appeal Rules. Similar claim made by the applicants in OA No.344 of 1997 was not allowed by Hon'ble CAT/HYB vide judgement dt. 24.3.97 (Annexure-14).

3. For the above said reasons it is submitted that the applicants have not made out any case on merits and it is therefore prayed that the Hon'ble Tribunal be pleased to dismiss the OA with costs.

Sworn and signed on
this the 23rd day of
November, 1997 at Vijayawada
before me.


DEPOSITOR
R.V.R.N. RAO
Sr. Personnel Officer
Railway Electrification
VIJAYAWADA


ATTESTOR
DIVISIONAL ENGINEER
Railway Electrification
VIJAYAWADA.

Hon'ble Supreme Court in Writ Petitions No. 147, 320-69, 454, 4335-4434/83 etc. v. Inder Pal Yadav & Ors. etc. Versus Union of India & Ors. etc. The Supreme Court has approved the scheme subject to modifications indicated in the judgment dated 18-4-85, a copy of which is enclosed.

3. Keeping in view the direction given by the Supreme Court in the said judgment and in their orders dated 11-8-85 (copy enclosed) para 5.1 of the aforesaid letter of 1-6-84 should be substituted by the following, the other provisions of the same remaining unaltered :

5.1 As a result of such deliberations, the Ministry of Railways have now decided in principle that casual labour employed on projects (also known as "Project casual labour") may be treated as temporary (temporary status) on completion of 360 days of continuous employment. The Ministry have decided further as under :—

a) These orders will cover :—

- i) Casual labour on projects who were in service as on 1-1-1981 : and
- ii) Casual labour on projects, who though not in service on 1-1-81, had been in service on Railways earlier and had already completed the above prescribed period (360 days) of continuous employment or have since completed or will complete the said prescribed period of continuous employment on re-engagement after 1-1-1981:

b) The decision should be implemented in a phased manner according to the schedule given below :—

Length of service (i.e continuous employment)	Date from which may be treated as temporary (temporary status)
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- i) Those who have completed five years of service as on 1-1-1981. 1-1-1981
- ii) Those who have completed three years but less than five years of service as on 1-1-1981. 1-1-1982

~~As in terms of Ministry of Railway's letter of even No. dated 11-11-85 it referred to above, dependents/family members of railway employees who are selected to participate in the Coaching Camps/Tournaments to represent railways at the national level meets, when sponsored by the Railway Sports Control Board, are given special passes of the class to which the railway employees are themselves eligible on privilege account under the Pass Rules. It was represented that dependents/family members of such railway employees, who participate and bring laurels as a result of their participation in national level tournaments etc., when called for reception to honour them, may also be issued passes on Sports account as admissible to serving railway employees who are invited to attend similar functions organised by the Railway Sports Control Board. Department of Railways, after carefully considering the matter, have decided that such dependents/family members of railway employees may be issued passes on Sports Account of the class to which the railway employees themselves are entitled on privilege account under the Railway Pass Rules.~~

— 17-9-86

2. This issues with the concurrence of the Finance Directorate of the Department of Railways.

~~As in terms of Ministry of Railway's letter of even No. dated 11-11-85 it referred to above, dependents/family members of railway employees who are selected to participate in the Coaching Camps/Tournaments to represent railways at the national level meets, when sponsored by the Railway Sports Control Board, are given special passes of the class to which the railway employees are themselves eligible on privilege account under the Pass Rules. It was represented that dependents/family members of such railway employees, who participate and bring laurels as a result of their participation in national level tournaments etc., when called for reception to honour them, may also be issued passes on Sports account as admissible to serving railway employees who are invited to attend similar functions organised by the Railway Sports Control Board. Department of Railways, after carefully considering the matter, have decided that such dependents/family members of railway employees may be issued passes on Sports Account of the class to which the railway employees themselves are entitled on privilege account under the Railway Pass Rules.~~

Estt. Serial Circular No. 110/86 Circular letter No. P(R)407/VI.
dated 17-9-1986

Copy of Board's letter No. E (NG) II/84/CL/41 dated 11-9-86 together with its enclosures is published for information, guidance and necessary action. Board's letter dated 1-6-84 and 25-6-84 referred to therein were circulated as serial circular No. 64/84 and 83/84. The target date fixed by Board may be adhered to and the action taken on the implementation of Board's orders may please be advised by 26-9-1986 and Fortnightly Report sent thereafter till the Court's Orders are implemented fully. The reports may be sent to APO/E, CPO (O) SC by name.

Copy of Board's letter No. E (NG) II/84/CL/41 dated 11-9-86

Sub :- Project casual labour-terms of employment of.

Reference Ministry of Railways, now Department of Railways letters of even number dated 1-6-84 and 25-6-84 on the above subject.

2. The scheme outlined in para 5.1 of the Ministry of Railways letter of even number dated 1-6-84 read with the letter dated 25-6-84 for treating project casual labour as temporary, was placed before the

- a) All unskilled casual labour will be treated as one category. (ii) to a say credit must be given
- b) Semi-skilled casual labour will be treated trade-wise.
- c) Skilled casual labour will be treated trade-wise;
- iii) In cases where the execution of a project spreads over more than one Division, the guiding principle will be that all the project casual labour will be assigned to the Division in which the station where they were initially engaged is located. This will be covered by the directions of the Hon'ble Supreme Court that where the implementation of its direction involves some adjustment, the same must be done.

5.2.2. It is hereby clarified that extra-zonal Railway organisations like Metro Railway would continue to maintain the seniority lists of project casual labour as before, without taking a Division of a zonal railway as a reference point. In doing so, they should comply with among other things, the relevant provisions of the Industrial Disputes Act, 1947 and the rules made thereunder.

5.2.3. The seniority list of project casual labour engaged by project organisations will be recast by the Zonal/Construction Railway Administrations in the aforesaid manner as on the 1st April, 1985 to cover all project casual labour who have been in employment at any time from 1-1-1981, onwards. The lists so prepared will be used for any subsequent engagement/reengagement/discharge of project casual labour. Any such discharge, where so warranted, due to reduction or completion of work or for other administrative reasons, will be effected after complying with the relevant provisions of the Industrial Disputes Act, 1947, the Industrial Disputes (Central) Rules, 1957 and the orders applicable to project casual labour.

6. Steps may be taken immediately for implementation of the orders contained in the Deptt. of Railway's letters of 1-6-84 and 25-6-84 aforesaid as modified above on the basis of the judgment of the Supreme Court. Due verification of claims in each individual case will, no doubt, be done by the respective Railway Administrations.

7.1. The process of preparation of seniority list and action as directed above, must be completed within two months from 11th August, 1986, as per orders dated 11-8-86 of the Hon'ble Supreme Court. To ensure full implementation of the orders of the Supreme Court, a committee comprising a D.P.O., a DEN, a DEN (Const.) on each Division will meet and review the implementation every week. Similar Committee

iii) Those who have completed 360 days but less than three years of service as on 1-1-1981 4-1-1983

iv) Those who complete 360 days after 1-1-1981 1-1-1984

or
the date on which
360 days are completed
whichever is later.

4. Accordingly, in paras 1 and 2 of the Ministry of Railways letter dated 25-6-84, the date "1-1-84" may be read as "1-1-81". The dates occurring in hypothetical illustrations given in para 3 thereof would stand modified correspondingly.

5.1. As directed by the Supreme Court for implementation of the above scheme, each zonal railway should prepare a list of project casual labour with reference to each Division of each Railway on the basis of length of service. The men with longest service shall have the priority over those who have joined later on. In other words, the principle of last come first go (or to reverse it, first come last go) as enunciated in Section 25G of the Industrial Disputes Act, 1947 should be followed.

5.2. The following instructions are given in this regard for guidance of the Zonal Railways.

5.2.1. On each Zonal Railway, the list of project casual labour will be prepared for each Division, as under :—

- i) Project casual labour employed on works of each of the Departments like Civil Engineering, Signal, Telecommunication, Electrical, etc. within the geographical boundaries of a Division (irrespective of whether the works are executed by a Division or by the Construction Organisation or by the Chief Project Manager/Railway Electrification reporting to the General Manager of a zonal railway, will form one unit (Separately for each department) for which one seniority list will be prepared for each department. In this manner, for each of the Departments on each Division, there will be one separate list of project casual labour employed on works executed within that Division.
- ii) Within each Department, the seniority list will be prepared according to categories as under :—

riety of service, "without the protection of equal pay for equal work. In short, at the sweet will and mercy of the local starps. Even the formidable Railwaymen's unions least cared for these helpless and helpless workmen. Suddenly a torrent of writ petition and petitions for special leave awakened this Court to the plight of these Workmen. In quick succession, 48 writ petitions and 32 petitions for special leave flooded this Court. In each writ petition/S.L.P., the grievance was that even though the workmen styled as 'project casual labour' had put in continuous service for years on end to writ ranging from 1974 till 1983, yet their services were terminated with impunity under the specious plea that the project on which they were employed has been wound up on its completion and their services were no more needed. No one is unaware of the fact that Railway Ministry has a prospective plan spreading over years decades and projects are waiting in queue for execution and yet these workmen were shunted out (to use a cliche from the Railway vocabulary) without any chance of being re-employed. Some of them rushed to the court and obtained interim relief. Some were not so fortunate. At one stage some of these petitions were set down for final hearing and the judgement was reserved. When some other similar matters came up, Mr. K.G. Bhagat, the then learned Additional Solicitor General, requested the court not to render the judgement because he would take up the matter with the Railway Ministry to find a just and humane solution affecting the liveli-hood of these unfortunate workmen. As the future of lakhs of workmen going under the label of casual project labour was likely to be effected, we repeatedly adjourned these matters to enable the Railway Ministry to work out a scientific scheme.

Railway Ministry framed a Scheme and circulated the same amongst others to all the General Managers of Indian Railways including production units as per its circular No. E (NG) II/84-CL/41 dated June 1, 1984. In the Scheme it was stated that all the General Managers were directed to implement the decision of the Railway Ministry by the target dates. It was further stated that a detailed letter regarding group 5.1(ii) would follow. Such a letter was issued on June 25, 1984. Thereafter, these matters were set out for examining the fairness and justness of the Scheme and whether the court would be in a position to dispose of these petitions in view of the Scheme. That is how these matters came up before us.

The relevant portions of the Scheme read as under :—

5.1. As a result of such deliberations, the Ministry of Railways have now decided in principle that casual labour employed on projects (also known as 'Project Casual labour') may be treated as temporary on completion of 360 days of continuous employment.

5.1. The Ministry have decided further as under :—

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should function for each of the other Departments engaging project casual labour. Similarly in the Headquarters of each Zonal Railway, a committee comprising the CPO, the C.E. (Const) CSTE and CEE should review the implementation of these orders each fortnight till the court's decision is implemented. The Personnel Officer on these committees will act as the coordinating officer of the respective committees for the purpose of monitoring the purpose of implementation. A detailed report in this regard should be sent to the Board in phases, the first by 30th September, 1986 and the Second by 15th October, 1986.

7.2. The Department of Railways also desire that in every Department engaging project Casual labour in each Division of each Railway, an officer, not lower in rank than Senior Scale, must be nominated who will be responsible for maintaining the Combined Seniority list of Project casual labour of his Department and for co-ordinating with other officers of that Department so as to ensure proper operation of the list in the manner detailed in para 5.2.3. supra in terms of this orders. This list must be reviewed by the said officer at least once a year before 30th september of every year. The officer so nominated should be one suitable to handle a task of this type.

8. This issues with the concurrence of the Finance Directorate of the Department of Railways.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

MERIT PETITIONS NOS; 147, 320-69, 454, 477, 478, etc.

Inder Bai Yasev and Ors. etc.

Versus

Union of India & Ors. etc.

Re: Admonita

JUDGEMENT

Decisi. J.

Articles 14 and 42 of the Constitution notwithstanding, there are certain grey areas where the rule of hire and fire, a legacy of *széf-faire*, even in Government Employment still lies. The casual labour employed on projects also known as 'Project casual' or 'one Such Segment' employment where one may serve and remain a daily rated worker without seeking employment

as they fulfil the conditions in this regard) till they become due for the benefits mentioned in the preceding sub-paragraph."

By and large the scheme certainly is an improvement on the present situation though not wholly satisfactory. However the Railway being the biggest employer and having regard to the nature of its work, it would have to engage casual labour and, therefore, as a preliminary step towards realisation of the ideal enshrined in Articles 41 and 42, we propose to put our stamp of approval on the scheme with one major variation which we proceed to herein set out, i.e. sub A).

The scheme envisages that it would be applicable to casual labour on projects who were in service as on January 1, 1984. The choice of this date does not command to us, for it is likely situated persons and expose some workmen to arbitrary discrimination flowing from fortuitous court's order. To illustrate, in some matters, the court granted interim stay before the workmen could be retrenched while some other were not so fortunate. Those in respect of whom the court granted interim relief by stay/suspension of the order of retrenchment, they would be treated in service on 1-1-1984 while others who fail to obtain interim relief though similarly situated would be pushed down in the implementation of the Scheme. There is another area where discrimination is likely to rear its ugly head. These workmen come from the lowest grade of railway service. They can ill afford to rush to court. They hardly been of any assistance. They had individually to collect money and rush to court which in case of some may be beyond their reach. Therefore, some of the retrenched workmen failed to knock at the doors of the court of justice because these doors do not open unless huge expenses are incurred. Choice in such a situation, even without crystal gazing is between incurring expenses for a litigation with uncertain outcome and hunger from day to day. It is a Honson's choice. Therefore, those who could not come to the court need not to be at a comparative disadvantage to those who rushed in here. If they are otherwise similarly situated, they are entitled to similar treatment, if not by anyone else at the hands of this Court. Burdened by all these relevant considerations and keeping in view all the aspects of the matter, we would modify part 5.1 (a) (i) by modifying the date from 1-1-1984 to 1-1-1981 with this modification and consequent rescheduling in absorption from that date onward, the Scheme framed by Railway Ministry is accepted and a direction is given that it must be implemented by recasting the stages consistent with the change in the date as herein directed.

To avoid violation of Art. 14, the scientific and equitable way if implementing the scheme is for the Railway administration to prepare a list of project casual labour with reference to each division of each railway and then start absorbing these with the longest service. If

a) These orders will cover:

- i) Casual labour on projects who are in service as on 1-1-84; and
- ii) Casual labour on projects who, though not in service on 1-1-84, had been in service on Railways earlier and had already completed the above prescribed period (360) days of continuous employment or will complete the said prescribed period of continuous employment on re-engagement in future. (A detailed letter regarding this group follows).

b) The decision should be implemented in phases according to the schedule given below:

Length of Service (i.e. continuous employment)	Date from which may be treated as temporary	Date by which decision should be implemented
i) Those who have completed five years of service as on 1-1-84.	1-1-1984	31-12-1984
ii) Those who have completed three years but less than five years of service as on 1-1-1984.	1-1-1985	31-12-1985
iii) Those who have completed 360 days but less than three years of service as on 1-1-1984.	1-1-1986	31-12-1986
iv) Those who completed 360 days after 1-1-1984.	1-1-1987	31-12-1987

Onwards
360
days are completed
whichever is later.

5.2. The Ministry would like to clarify there that casual labour on projects who have completed 180 days of continuous employment would continue to be entitled to the benefits now admissible to them (so long

16-8-85 and 31-3-86 and No. E (NG) II/86/RC1/1 Policy dated 25-3-86.

The question of minimum educational qualifications for recruitment to group 'D' (Class IV) posts laid down in Board's letter of even number dated 16-8-85 has been reviewed with recognised Labour Federations in PNM/DC meetings with the Railway Board. Pending a final decision on the issue, Railway Board desire that the revised minimum educational qualifications laid down in Board's letter of 16-8-85 be held in abeyance. The position will be reviewed as soon as a final decision on this issue is taken or after one year, whichever is earlier.

*Estt Serial Circular No. 112/86 Circular letter No. P (SC) 268/Policy Pt. IV.
dated 19-9-1986*

Sub :- Appointments on compassionate grounds.

In supersession of this office Serial Circular No. 133/85, circulated under this office even No. dated 16-8-1985, the following instructions should be followed with immediate effect.

Appointments on compassionate grounds are issued to give immediate relief to the families of the deceased employees. As per extant orders appointments under priorities 'I' are to be ordered within one month and under priority "II & III" within 3 months from the date of eligibility i.e. date of death/medical decategorisation etc. It is noticed that in some cases the widows/wards of the deceased railway employees are not prompt in submitting their applications for appointment on compassionate grounds for which reason we have already given instructions that the Welfare Inspectors who go to collect settlement forms should advise them suitably in writing based on the composition of the family. In most of the cases where children are studying, applications are delayed to enable the wards to complete the course of study and then submit their applications for appointment on compassionate grounds based on the educational qualifications acquired subsequently. While there is no objection to consider such requests within 5 years limit, the appointment will be offered to wards only in initial recruitment grades in group 'C' or group 'D' based on their qualifications on the date of demise/medical unfitness etc., of the employee and any higher educational qualifications acquired thereof will not be taken cognisance of, except in the following cases.

- i) Where the widow of the deceased employee who has not acquired minimum educational qualifications required for appointment in

in the process any adjustment are necessary, the same must be done. In giving this direction, we are considerably influenced by the statutory recognition of a principle well known in industrial jurisprudence that the men with longest service shall have priority over those who have joined later on. In other words, the principle of 'last come first go' or to reverse it 'first come last go' as enunciated in Sec. 25G of the Industrial Disputes Act, 1947 has been accepted. We direct accordingly. All these writ petitions and special leave petitions shall stand disposed of consistent with the scheme as modified by this judgement and the directions herein given.

The scheme as would stand modified by the directions herein given forms part of this judgment and a copy of it shall be annexed to this judgment.

Learned counsel shri Anis Suhrawardy has put in the maximum labour in making a very useful compilation. He must have spent days and months. The compilation helped us the most in dealing with the writ petitions and the special leave petitions and in ascertaining the proper principle. Such a compilation ought to have been prepared by the Railway Administration.

Therefore, we direct the Union of India to pay Rs. 5,000/- as and by way of costs to Shri Anis Suhrawardy, Advocate, Supreme Court.

new Delhi
April 18, 1985

sd/ (D. & D'Sai)

sd/ (F. & J. & A. PATHAK MISRA)

Estt Serial Circular No. 111/85. Circular letter No. P (R) 564/IV.
date 22-9-1986.

Copy of Board's letter No. E (NG) II/84/RR1/26 dated 4-9-1986 is published for information, guidance and necessary action. Board's letters dated 16-8-85, 25-3-86 & 31-3-86 referred to therein were circulated in S.C. No. 141/85 of 10-9-85, 56/86 of 22-4-86 and 57/86 of 24-4-86 respectively.

Copy of Board's letter No. E (NG) II/84/RR1/26 dated 4-9-1986.

Sub :- Recruitment to Group 'D' (Class IV) posts - minimum educational qualifications.

Ref :- Railway Board's letter No. E (NG) II/84/RR1/26 dated

- (2) In lieu of the notice prescribed in this paragraph, it shall be permissible on the part of the Railway Administration to terminate the service of a railway servant by paying him the pay for the period of notice.
- (3) The notice of termination of service under this paragraph should be given by an authority not lower than the appointing authority.
- (4) In the case of a railway servant or Apprentice to whom the provisions of the Industrial Disputes Act 1947, apply, he shall be entitled to notice or wage in lieu thereof in accordance with the provisions of that Act.

2303. **Pay and allowances.**—The scales of pay and allowances shall be the same as are applicable to Permanent railway servants of the corresponding status.

2304. **Compensatory and local allowances.**—Unless specifically stated otherwise in the relevant Code rules or orders, a temporary railway servant shall be entitled to the same scales of compensatory and local allowances as may be admissible to a permanent railway servant placed in similar circumstances.

2305. **Educational assistance.**—This concession shall be admissible to temporary railway servants who have put in not less than three years' service.

2306. **Medical attendance.**—There shall be no distinction in regard to the applicability of this concession to railway servants whether they are in permanent railway service or not.

2307. **Leave Rules.**—A temporary railway servant under the Leave Rules, 1949 earns leave on average pay, only at the rate of 1/22nd of the period spent on duty during the first year of service. On completion of one year's continuous service he becomes eligible for the leave terms applicable to permanent railway servants except that he will not be eligible for any 'leave not due' i. e. he will begin to earn leave on average pay at the rate applicable to permanent railway servants only from the date on which the second year of service commences. He will, however, be eligible for leave on half

Now revised Chapter XV of 1929 edition

CHAPTER XXIII

TERMS AND CONDITIONS APPLICABLE TO RAILWAY SERVANTS AND SUBSTITUTES IN TEMPORARY SERVICE

SECTION A

Non-gazetted Staff

(i) Temporary Railway Servants

2301. **Definition**—A “temporary railway servant” means a railway servant without a lien on a permanent post on a Railway or any other administration or office under the Railway Board. The term does not include “casual labour”, “a “contract” or “part-time” employee or an “apprentice”.

2302. **Termination of service and periods of notice.** —

- (1) Service of a temporary railway servant shall be liable to termination on 14 days' notice on either side provided that such a railway servant shall not be entitled to any notice of termination of his service—
 - (i) if the termination is due to the expiry of the sanction to the post which he holds or the expiry of the officiating vacancy or to his compulsory retirement due to mental or physical incapacity or to his removal or dismissal from service as a disciplinary measure after compliance with the provisions of clause (2) of Article 311 of the Constitution of India;
 - (ii) when he is deemed to have resigned his appointment and ceased to be in railway employ in the circumstances detailed under note 2 below: Exemption II, rule 732 (1) of the Indian Railways Establishment Code, Volume I.

above, subject to a maximum of Rs. 750/- provided that this limit shall not apply if the leave is granted on medical certificate or for pursuing an approved course of study, otherwise than on study leave terms.

(iii) *During commuted leave* :—The leave salary shall be equal to the amount of leave salary as admissible during leave on average pay.

2309. **Leave salary of Workshop and other artisan staff.**—In the case of workshop staff and other Artisan staff leave salary during leave on average pay shall be equal to the pay that they would have drawn had they remained on duty, but will not include any increase that would accrue during currency of the leave. During leave on half average pay, the leave salary will be equal to half the amount admissible during the period of L. A. P.

2310. **Leave salary of running staff** :—

(i) In the case of Running staff in class III service, leave salary during leave on average pay shall be regulated as under :—

- (a) During the first 60 days of leave, average monthly pay earned during the twelve complete months preceding the month in which the leave commences and where the service rendered is less than this period, the average of the actual period.
- (b) Beyond the first 60 days of leave, average monthly pay as calculated above or the pay the railway servant would have drawn had he remained on duty, whichever is less.

(ii) In the case of Running staff in class IV, leave salary during leave on average pay shall be equal to the pay that they would have drawn had they remained on duty, but will not include any increase that would accrue during currency of the leave.

Provided that pay will include the average running allowances earned during the 12 months immediately preceding the month in

average pay in respect of the first year of service at the rate applicable to permanent railway servants. A temporary railway servant serving in a Railway School will not be eligible for leave on average pay in respect of his first year of service.

2308. Leave salary of Railway servants, other than running staff, workshop staff and artisan staff.—

(i) *During leave on average pay* :—Leave salary of railway servants, other than running staff, workshop and artisan staff proceeding on leave on average pay from a post which carries a maximum pay not exceeding Rs. 110/- per mensem shall be equal to the pay actually drawn immediately before the commencement of the leave.

In any other case, the leave salary shall be equal to the average of the rates of pay admissible during each of the ten calendar months in which the railway servant was on duty (for whole or part of the month) immediately prior to the calendar month in which the leave commences provided that for the purpose of calculation of average pay :—

- (a) where different rates of pay were admissible during the same calendar month, the average of the rates shall be taken into account.
- (b) in the case of a railway servant on leave for less than ten calendar months in respect of the actual number of months in which he was on duty shall be taken into account.
- (c) in respect of permanent railway servants of Indian origin which is not less than one month, leave drawn, if on duty outside the service out of India shall be substituted by the average of pay actually drawn while on leave.

(ii) *During leave on half average pay* :—The leave salary during leave on half average pay for the leave not due shall be equal to half the amount of leave.

of the Indian Railway Establishment Code, Volume I, the term 'pay' for this purpose is defined as the average monthly pay earned during the twelve complete months immediately preceding the month in which the event occurs.

(ii) Temporary Engineers appointed before 19th October 1955 shall be governed by the following rules:-

(a) Temporary Engineers should subscribe to the State Railway Provident Fund on completion of one year's continuous service, the amount of subscription, the contribution by Government and other conditions for such subscription and contribution etc., being the same as those laid down in the State Railway Provident Fund Rules. In case the officer quits service for any reason, whatsoever, before the completion of five years' service Government's contribution and the interest thereon will not be payable, but in such cases gratuity at one fourth of a month's pay for each completed six monthly period of service will be payable if the officer retires-

(i) on account of permanent incapacity due to bodily or mental infirmity; or

(ii) on abolition of appointment due to reduction of establishment; provided the service of the officer has been good, efficient, faithful and continuous.

(b) A special contribution will be payable in addition to the Government's contribution payable under (a) above if the service of the officer exceeds a continuous period of twelve years; this will be subject to the usual conditions governing the grant of special contribution to a gazetted railway servant in permanent employ. Gratuity will not be payable in addition in such cases.

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which the railway servant proceeds on leave subject to a limit of seventy-five per cent of average of pay drawn for the same period, the average running allowances once determined remaining in operation during the remaining part of a financial year in cases of leave not exceeding one month.

- (iii) During leave on half average pay and leave not due the running staff in class III & IV services will draw leave salary equal to half the amount admissible during leave on average pay as mentioned in sub-paras (i) and (ii) above respectively.
- (iv) The leave salary during commuted leave in the case of class III and class IV running staff will be equal to twice the amount of leave salary admissible on leave on half-average pay under sub-para (iii) above.

2311. Provident fund and Gratuity:—

- (1) All temporary railway servants including workshop staff shall subscribe to the fund from the first of the month following that in which they complete one year's service. They except those recruited prior to 16.11.57 and who have opted for P. F. benefits, will not be entitled to any Govt. contribution
- (2) (i) Subject to what is stated in sub-para (ii) below temporary railway servant recruited before 15 November 1957 under the normal recruitment and Temporary Engineers recruited on or after October 1955 but before 16th November 1957 through the Union Public Service Commission, who are discharged from service on account of reduction of establishment or leave on account of permanent incapacity due to bodily or mental infirmity while in service, are also eligible for gratuity at the usual rate of one fourth of a month's pay for each completed six months period of service. This gratuity shall be offset against retrenchment compensation, if any, payable under the Industrial Disputes Act. Subject to what is provided in rule 1302 (8)

For the purpose of these orders.

- (i) service shall mean service as defined in rule 1502 (6) RI except that it shall not include periods of service as paid apprentice, and
- (ii) pay shall mean average pay as defined in rule 2003 (2) RI provided that in respect of a railway servant entitled to running allowances, pay shall also include the monthly average running allowance drawn by the railway servant during 365 days of running duty immediately preceding the date of quitting service limited to 75% of average pay for the same period.

The rules and orders applicable to death-cum-retirement gratuity admissible to permanent pensionable railway servants shall apply *mutatis mutandis* to the terminal/death gratuity admissible under these orders to temporary pensionable employees except as otherwise specifically provided for.

The terminal/death gratuity will not be admissible to a probationer or other railway servant discharged for failure to pass the prescribed test or other examination, and to employees re-employed under the terms of re-employment applicable to retired employees. A railway servant who resigns his post or is removed or dismissed from railway service will not be eligible for such gratuity.

- (b) The widow/widower/minor children of a temporary Railway servant, referred to in the preceding sub-para, who dies while in service after a service of not less than one year continuous (qualifying) service shall be eligible for a family pension under the provisions of para 801 of the Manual of Railway pension Rules. In their case the amount of death gratuity admissible will be reduced by an amount equal to the employee's two months pay on which the death gratuity is determined.

(3) (a) A pensionable railway servant (other than a workshop or a shed employee who has completed 3 years' continuous service) who quits service or after 1st November 1959 without being confirmed may be granted a terminal gratuity if he quits service on account of retirement, on superannuation or permanent incapacity due to bodily or mental infirmity or discharge from service arising directly or indirectly from a reduction of establishment and the family of such a railway servant may be granted a death gratuity if he dies while in service, on the following scale:—

Completed years of service at the time of quitting service.	Terminal gratuity	Death Gratuity
One year or more but less than 3 years.	Nil	1 month's pay.
3 years or more but less than 5 years.	Half a month's pay for each completed year of service in excess of 3 years service.	3 months' pay.
5 years or more.	One month's pay for the first 3 completed years' service plus half a month's pay for each subsequently completed year's service.	Equal to terminal gratuity as in the previous column subject to a minimum of 4 months' pay.

Provided that (1) the grant of the terminal death gratuity shall be subject to the provision of the rule 2534 (C. S. R. 47) N-R. II and (2) the retrenchment compensation, if any, payable under the Industrial Disputes Act, 1947, will be offset against the terminal/death gratuity payable under these order

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2312. Allotment of residences and recovery of rent.—Subject to the availability of accommodation, a temporary railway servant is eligible for allotment of the same and to pay rent therefor in the same way as a permanent railway servant would.

2313. Passes.—A temporary railway servant is entitled to the same scale of passes as are admissible to a permanent railway servant of the corresponding status.

2314. Advances.—Subject to the conditions laid down in Chapter XVI a temporary railway servant may be granted advances for the purposes mentioned in that Chapter.

(ii) Substitutes

2315. Definition.—“Substitutes” are persons engaged in Indian Railway Establishments on regular scales of pay and allowances applicable to posts against which they are employed. These posts may fall vacant on account of a railway servant being on leave or due to non-availability of permanent or temporary railway servants and which cannot be kept vacant.

2316. Circumstances under which substitutes can be recruited.—

(i) Ordinarily there should be no occasion to engage “substitutes” having regard to the fact that practically in all categories of railway servants leave reserve has been provided for. However, when owing to an abnormally high rate of absences the leave reserve may become inadequate or ineffective as in the case of heavy sickness or where the leave reserve is available but it is not possible to provide in time, say at a way-side station, even in emergency, it may be necessary to engage substitutes even in vacancies of short duration.

(ii) As far as possible Substitutes should be drawn from the pool of regular servants. The following are the IV posts which may be engaged on a short term basis made in the following categories:—

(a) Against regular vacancies in the following categories of posts:—

to have resigned his appointment and ceased to be in employment if such person remained absent on extraordinary leave beyond a limit of five years for whom no showcause notice is required, as in the case of permanent railway servant.

1503. *Pay and allowances.*—The scales of pay and allowances shall be the same as are applicable to Permanent railway servants of the corresponding status.

1504. *Compensatory and local allowances.*—Unless specifically stated otherwise in the relevant Code rules or orders, a temporary railway servant shall be entitled to the same scales of compensatory and a local allowances as may be admissible to a permanent railway servant placed in similar circumstances.

1505. *Educational Assistance.*—This concession shall be admissible to a Railway servant including those on deputation to Railways whose pay is debitable to Railway Revenues, but shall not apply to:—

- (a) Civil servants;
- (b) Persons in casual or daily rates or ad-hoc or part-time employment;
- (c) persons paid from contingencies; and
- (d) persons employed on contract except where the contract provided otherwise.

These orders shall also apply to Railway servants on deputation to State Governments or on foreign service, provided necessary provisions in regard to the drawal of educational assistance under those orders from such State Government or foreign employers is expressly made in the terms of deputation or foreign service.

1506. *Medical attendance.*—There shall be no distinction in regard to the applicability of this concession to railway servants whether they are in permanent railway service or not.

1507. *Leave Rules.*—The relevant provisions are contained in Chapter V—'Leave Rules'—of Indian Railway Establishment Code Vol. I—1985 Edition.

1508. *Allotment of residences and recovery of rent.*—Subject to the availability of accommodation, a temporary railway servant is eligible for allotment of the same to pay rent therefor in the same way as a permanent railway servant would.

1509. *Passes.*—A temporary railway servant is entitled to the same scale of passes as are admissible to a permanent railway servant of the corresponding status.

1510. *Advances.*—Subject to the conditions laid down in Chapter X of Indian Railway Administration & Finance a temporary railway servant may be

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granted advances for the purposes mentioned in that Chapter.

1511. *Provident Fund and gratuity.*—This may be regulated as per rules contained in Chapter 9 and Chapter 10 of Indian Railway Estt. Code Vol. I (1985 Edition) pertaining to 'State Railway Provident Fund and Gratuity' respectively.

ii) SUBSTITUTES

1512. *Definition.*—"Substitutes" are persons engaged in Indian Railway Establishments on regular scales of pay and allowances applicable to posts against which they are employed. These posts fall vacant on account of a railway servant being on leave or due to non-availability of permanent or temporary railway servants and which cannot be kept vacant.

1513. Circumstances under which substitutes can be recruited:—

- (i) Ordinarily there should be no occasion to engage "substitutes" having regard to the fact that practically in all categories of railway servants leave reserve has been provided for. However, when owing to an abnormally high rate of absentees the leave reserve may become inadequate or ineffective as in the case of heavy sickness, or where the leave reserve is available but it is not possible to provide the same, say at a way-side station, and it may become absolutely necessary to engage substitutes even in vacancies of short duration.
- (ii) As far as possible Substitutes should be drawn from a panel of suitable candidates selected from Group 'C' and 'D' posts and should be engaged subject to the observations made in (i) above, only in the following circumstances:—
 - (a) Against regular vacancies of unskilled and other categories of Group 'D' staff requiring replacement for which arrangements cannot be made within the existing leave reserve.
 - (b) Against a chain vacancy in the lower category of Group 'D' staff arising out of the incumbent in a higher Group 'D' category being on leave, where it is not possible to fill the post from within the existing leave reserve.
 - (c) Against posts in categories for which no leave reserve has been provided.

TERMS AND CONDITIONS APPLICABLE TO RAILWAY SERVANTS AND SUBSTITUTES IN TEMPORARY SERVICE

Non-gazetted Staff

1501. (i) *Temporary Railway Servants*

Definition—A "temporary railway servant" means a railway servant without a lien on a permanent post on a Railway or any other administration or office under the Railway Board. The term does not include "casual labour", including 'casual labour with temporary status', a "contract" or "part-time" employee or an "apprentice".

1502. *Termination of service and periods of notice*.—

(1) When a person without a lien on a permanent post under Government is appointed to hold a temporary post or to officiate in a permanent post, he is entitled to no notice of the termination of his service, if such termination is due to the expiry of the sanction of the post which he holds or the expiry of the officiating vacancy, or to his compulsory retirement due to mental or physical incapacity or to his removal or dismissal as a disciplinary measure after compliance with the provisions of Clause (2) of Article 311 of the Constitution of India. If the termination of his service is due to some other cause, he shall be entitled to one month's notice provided he was engaged on a contract for a definite period and the contract does not provide for any other period of notice; and to a notice of 14 days if he was not engaged on a contract. Temporary railway servants with over three years continuous service shall, however, be entitled to a month's notice. The periods of notice specified above shall apply on either side, and steps should be taken to bring this condition to the notice of the Railway servants concerned.

(2) *Apprentices*—Except as otherwise provided in his service agreement, the service of the apprentice shall be liable to termination on one week's notice.

(3) *Certain other Railway Servants*—The service of certain other Railway servants specified below shall be liable to termination of notice on either side for the periods shown against each. Such notice is not, however, required in cases of dismissal or removal as

a disciplinary measure after compliance with the provisions of Clause (2) of Article 311 of the Constitution and compulsory retirement due to mental or physical incapacity—

(a) Probationary Officers and Group 'A' and Group 'B' Railway servants on probation } 3 months notice

(b) Group C and Group D Railway servants on probation } 1 month notice

(c) Gazetted Railway servants on probation in the Medical Department } 1 month notice

(4) The service of any of the Railway servants mentioned in Clause (1), (2) and (3) who is entitled to a notice of stipulated period may be terminated forthwith and on such termination, the Railway servants shall be entitled to claim a sum equivalent to the amount of his pay plus allowance for the stipulated period of notice at the same rates at which he was drawing them immediately before the termination of his service or, as the case may be, for the period by which such notice falls short of the stipulated period of notice.

NOTE—The appointing authorities are empowered to reduce or waive, at their discretion, the stipulated period of notice to be given by Railway servant but the reason justifying their action should be recorded. This power cannot be redelegated.

(5) The notice of termination of service or order of forthwith termination of service, as the case may be, under this rule should be given by the authority not lower than the appointing authority.

(6) Notwithstanding anything contained in Clauses (1), (2) and (4) above, if the Railway servant or apprentice is one to whom the provision of the Industrial Disputes Act, 1947 apply, he/she shall be entitled to notice or wage in lieu thereof in accordance with the provisions of that Act.

NOTE—No notice of termination will be necessary in a case where temporary railway servant is deemed

के लिए काम
वहाँ उनकी
पर अनियत
(यास्थिति)
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उत्तरी अनु-
होगी। एक
नजदूरों का

गर्य हक और
इन या 360
अस्थायी के
से हैतियत के
जाने वाले
XXIII में
वे भविकारों
त्रीकार्य अधि-
स्थिति नियमों
नयन/ठानवीन
पलन से पूर्व
में नहीं ती
सिंह नियुक्ति
को तुलना
पर्याय, यह इस
की वरिष्ठता
के अनुसरण
हो तो उसमें

नेपत मजदूर
के लिए में
पर अस्थायी
त ते पहले
गिने जाने
नियमित
मजदूर,
जाम जमा
कर अप्रे-
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अस्थायी
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चयन
द्वारा

5) Authorised absence not exceeding twenty days including three days unauthorised absence, for personal reasons. Absence of half a day should be reckoned as half a day only.

6) In the case of female casual labour, a period of absence of four weeks (in addition to 20 days authorised absence, may be allowed for maternity purposes.

7) On completion of works or for non-availability of further productive work, when casual labour on daily wages or in regular scale of pay or 1/30th of the minimum of the scale plus Dearness Allowance, is discontinued and employed later when work is available, such gaps in service will not count as breaks in service for the purpose of reckoning of continuous service of 120 days or 180 days or 360 days as the case may be. (This provision is effective from 2nd October, 1980).

8) Non-performance of work on days of rest given under the Hours of Employment Regulations or under the Minimum Wages (Central Rules, 1950) and on days on which the establishment employing the labour remains closed, does not constitute a break nor will it be counted against the limit of twenty days referred to in (b) above.

9) The term "authorised absence" for this purpose covers permission granted by the supervisory official in charge to be away from work for the period specified.

2004. Notice of Termination of service.—Except where notice is necessary under any statutory obligation, no notice is required for termination of service of casual labour. Their services will be deemed to have been terminated when they absent themselves or on the close of the day.

Note.—In the case of a Casual labourer who has obtained temporary status after completion of prescribed period of continuous employment, the period of notice will be determined by the rules applicable to temporary railway servants.

Casual labour should not be deliberately discharged with a view to causing an artificial break in their service. Where casual labourer have to be terminated due

to non-availability of work for them the unit for the retrenchment will be that of an Inspector and Supervisor (or the case may be) in the case of casual labour on the open time. For project casual labour on Zonal Railways, the unit for this purpose will be the Division-wise and Department-wise as per instructions issued by the Railway Board. Casual labour diverted from one unit to another will rank junior-most in the new unit.

2005. Entitlements and Privileges admissible to Casual Labour who are treated as temporary (i.e. given temporary status) after the completion of 120 days or 360 days of continuous employment (as the case may be).—(a) Casual labour treated as temporary are entitled to the rights and benefits admissible to temporary railway servants as laid down in Chapter XXIII of this Manual. The rights and privileges admissible to such labour also include the benefit of D & A Rules. However, their service prior to absorption in temporary/permanent/regular cadre after the required selection/screening will not count for the purpose of seniority and the date of their regular appointment after screening/selection shall determine their seniority vis-a-vis other regular/temporary employees. This is, however, subject to the provision that if the seniority of certain individual employees has already been determined in any other manner, either in pursuance of judicial decisions or otherwise, the seniority so determined shall not be altered.

Casual labour including Project casual labour shall be eligible to count only half the period of service rendered by them after attaining temporary status on completion of prescribed days of continuous employment and before regular absorption, as qualifying service for the purpose of pensionary benefits. This benefit will be admissible only after their absorption in regular employment. Such casual labour, who have attained temporary status, will also be entitled to carry forward the leave at their credit to new post on absorption in regular service. Daily rated casual labour will not be entitled to these benefits.

(b) Such casual labour who acquire temporary status will not, however, be brought on to the permanent or regular establishment or treated as in regular emolument on Railways until and unless they are selected through regular Selection Board for Group D Posts in the manner laid down from time to time. Subject to such orders as the Railway Board may

(8) **Camp equipage** means the apparatus for moving a camp.

(9) **Camp equipment** means tents and the requisites for pitching and furnishing them, or where tents are not carried, such articles of camp furniture as it may be necessary, in the interests of the public service, for a railway servant to take with him on tour.

(10) **Compensatory allowance** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance.

(11) **Competent Authority** in relation to the exercise of any power under these rules, means the President or any authority to which such power is delegated in Appendix VI.

(12) **Constitution** means the Constitution of India.

(13) **Day** means a calendar day, beginning and ending at midnight; but an absence from headquarters which does not exceed twenty-four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.

(14) **Department of a railway administration** means one of the branches constituted for the purpose of conducting the business of the railways.

(15) **'Divisional Officer'** means an officer in group 'A' drawing pay on the scale applicable to senior Scale officer.

(16) **Duty**—(a) Duty includes

- (i) Service as a Probationer or apprentice. Provided that such service is followed by confirmation.
- (ii) **Joining time.**

(b) A competent authority may issue orders declaring that, in circumstances similar to those mentioned below, a railway servant may be treated as on duty—

- (i) During a course of instruction or training in India.
- (ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University, College or School in India, during the interval between the satisfactory completion of the course and his assumption of duties.

GOVERNMENT OF INDIA ORDERS

(1) **Time spent in attending obligatory Departmental Examinations.**—A government servant required to attend an obligatory departmental examination, or permitted to present himself at an examination the passing of which is a condition of preferment in Government services, may be treated as on duty during the day of the examination and during the reasonable time required for the journey, if any to and from the place of examination.

(G.I., F.D. Memo No. F. 17R.I. 29 dated 23rd Jan. 1929.)

(2) The phrase "condition of preferment" used in (1) above covers only compulsory or optional examinations for promotion within the normal scope of the Government servants department or office.

(G.I., F.D. No. F/15(5) R. 1/31 dt. 25th March 1931.)

(3) **Delay in taking charge of the duties.**—Period of Compulsory waiting by an officer for orders of Government posting him to a particular post, after he had reported should be treated as 'Duty'.

(G.I., F.D. Res. No. 122 CSR dt. 10th Feb. 1922, No. 175 C.S.R. dt. 28th Feb. 1922, No. F. 192 C.S.R. 25 dt. 20-6-1925.)

CHAPTER I

GENERAL

101. **Scope and Extent of Application.**—This Chapter and the next contain the rules governing general conditions of service applicable to Railway servants. Some of these rules correspond to the Fundamental Rules and Supplementary Rules applicable to all Civil servants (other than Railway servants) under the Indian Union, who are subject to the rule making powers by the President.

102. **Power to interpret rules.**—The power of interpreting the rules in this volume is reserved to the President.

103. **Definitions.**—Unless there be something repugnant in the subject or context, the terms defined below are used in this Code in the sense herein explained.

(1) **Accounts officer** means an Officer of the Accounts Department as defined in para 102 of the Indian Railway Code for the Accounts Department.

(2) **The Act** means the Government of India Act, 1935.

(3) **Actual travelling expenses** means the actual cost of transporting railway servant with his domestic servant and personal luggage, including charges for ferry and other tolls and for carriage of camp equipment if necessary. It does not include charges for hotels, travellers bungalows or refreshments or for the carriage of stores or conveyances or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional domestic servants.

(4) **Apprentice** means a person deputed for training in a trade or business with a view to employment in Railway service, who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(5) **Average Pay** means the average monthly pay earned during the 10 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay:

Provided that in respect of any period spent on foreign service out of India the pay which the railway servant would have drawn if on duty in India but for foreign service out of India shall be substituted for the pay actually drawn.

Provided further that in the case of staff entitled to running allowance average pay for the purpose of leave salary shall include the average running allowance earned during the 10 months immediately preceding the month in which a railway servant proceeds on leave, subject to a maximum of 45% of average pay (in the Revised Scales) for the same period, the average running allowance once determined remaining in operation during the remaining part of the financial year in cases of leave not exceeding one month.

(6) **Assistant Officer** means an Officer in Group 'A' drawing pay on the scale applicable to junior scale officers.

(7) **Cadre** means the strength of a service or a part of a service sanctioned as a separate unit.

(b) income from literary, cultural, artistic, scientific or technological efforts, if such efforts are not aided by the knowledge acquired by the railway servant in the course of his service.

(19) **Foreign Service** means service in which a railway servant receives his pay with sanction of Government from any source other than the Consolidated Fund of India, or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory.

(20) **Gazetted Post** is a post to which appointment is made by notification in the Gazette of India.

(21) **Head of a department** means any authority which the President may by order declare to be the head of a department for the purpose of these Rules.

(22) **Hill-Station** means any place which a competent authority may declare to be a hill station.

(23) **Holiday** means (a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and (b) in relation to any particular office, a day on which such office is ordered to be closed by a competent authority for the transaction of Government business without reserve or qualification.

Note.—During restricted holidays the office is not closed for transaction of business but they are treated as akin to other closed holidays and can be prefixed or suffixed to regular leave or casual leave.

(24) **Honorarium** means a recurring or non recurring payment granted to a railway servant from the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory, as remuneration for special work of an occasional or intermittent character.

(25) **Joining time** means the time allowed to a Railway servant in which to join a new post or to travel to or from a station to which he is posted.

(26) **Leave on average (half average) pay** means leave on leave salary equal to average/half average pay, as regulated by the Railway Leave Rules.

(27) **Leave Salary** means the monthly amount paid by Government to a Railway servant on leave.

(28) **Lien** means the title of a railway servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(29) **Local Fund** means—

(a) revenue administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of the budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and

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(4) **Treating period of training as duty**—The authorities competent to appoint the Government servant to the post for which the training is essential may be empowered to treat the period of training or instruction in India of Government servants on duty under this rule subject to the following conditions:

- (a) the training or instruction should be in India;
- (b) the training or instruction should be connected with the post which the Government servant is holding at the time of placing him on training or instruction;
- (c) that it is obligatory on the part of the Government to send the persons for such training or instruction;
- (d) the training should not be in professional or technical subjects which are normally brought under the provisions relating to 'Study Leave'; and
- (e) the period of training should not exceed one year.

(G.I. M. F. O.M. No. F.2 (71) Est. III/60, dt. 3rd December, 1960.)

(5) **Attending Hindi and other obligatory examination**.—A question has been raised whether a Government servant is expected to report for duty in office either before or after the examination is over, in case the examination, including the viva voce test commences in the forenoon or in the afternoon. It has been decided that

- (i) in case where the examination is held in a day both in the forenoon and in the afternoon, the Government servants need not be required to attend office either before or after the examination; and
- (ii) in case where the examination is held only in the forenoon or in the afternoon, the Government servants must attend office in the afternoon/forenoon, as the case may be, unless the Head of Office/Department specifically exempts any or all Government servants from such attendance, having regard to the time schedule of the test and the distance between the place of duty and examination.

(G.I. MHA. OM. No. 5/165-H dated 8th June, 1955.)

Audit Instructions

Scope of the term "probationers"—(a) The term "probationer" does not cover a Government servant who hold substantively a permanent post in a cadre and is appointed on probation to another post.

(b) No person appointed substantively to a permanent post in cadre is a probationer, unless definite condition (such as the condition that he must remain on probation pending the passing of certain examination) is attached to his appointment.

(c) The status of the probationer is to be considered as having the attributes of a substantive staff except where the rules prescribed otherwise.

(17) **Family** means a railway servant's wife/husband, legitimate children and step-children residing with and wholly dependent upon him/her. It also includes parents, sons and minor brothers residing with and wholly dependent upon him/her, provided that for Rule 615 it includes only such of the dependent relatives as are eligible for passes under the Pass Rules.

Note 1.—Not more than one wife is included in this term.

Note 2.—The term "legitimate children" includes those adopted under the law.

(18) **Fee** means a recurring or non recurring payment to a railway servant from a source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory whether made directly to the railway servant or indirectly through the intermediary of Government, but does not include—

- (a) unearned income such as income from property, dividends, and interest on securities; and

(35) Pay means the amount drawn monthly by a railway servant as

- (i) the pay other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre;
- (ii) overseas pay, special pay and personal pay; and
- (iii) any other emoluments which may be specially classed as pay by the President.

(36) Permanent post means a post carrying a definite rate of pay sanctioned without limit of time.

(37) Personal pay means additional pay granted to a railway servant—

- (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances, on other personal considerations.

(38) Post in the Railway Board means the post of a Member of the Railway Board and includes the post of Chairman, Railway Board and of Financial Commissioner, Railways.

(39) Presumptive pay of a post—When used with reference to any particular railway servant means the pay to which he would be entitled if he held the post substantively and were performing its duties, but it does not include special pay unless the Railway servant performs or discharges the work or responsibility in consideration of which special pay was sanctioned.

Audit Instructions.—The first part of the definition is intended to facilitate the use of the term in relation to a Government servant who has been absent from a post for some time but still retains a lien on it.

(40) Probationer means a railway servant employed on probation in or against a substantive vacancy in the cadre of a department.

(41) Public conveyance means a train, steamer or other conveyance which plies regularly for the conveyance of passengers.

(42) Railway School means a school established by a railway or office/project/factory directly under the Railway Board primarily for the benefit of the children of employees and maintained and entirely controlled by it with or without assistance of revenues of a State or income from other non-railway source. It does not include a school to which a railway merely makes a grant-in-aid.

(b) the revenues of any body which may be specifically notified by the President as such. 47

(31) (a) **Military Commissioned Officer** means a commissioned officer other than
(i) a departmental Commissioned Officer;
(ii) a Commissioned Officer of the Indian Medical Department.

It does not include a Warrant officer.

(b) **Military Officer** means any officer falling within the definition of the Military Commissioned Officer, or included in sub-clause (i) or (ii) of clause (a) above or any Warrant officer.

(31) **Ministerial servant** means a railway servant of group 'C' whose duties are entirely clerical and other class of railway servants specially defined as such by general or special order of a competent authority.

Government of India's decision.—The President has decided that those members of class II (Group B) service whose duties are predominantly clerical shall be classed as ministerial servants.

(G.I.F.D. letter No. F. 11/6) R I/33 dated 1st April, 1933.)

(32) **Month** means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently taking 30 odd number of days as a month.

Audit Instructions

Calculation of a period expressed in terms of months and days.

(a) To calculate 3 months and 20 days on and from 5th January the following method should be adopted—

	Y.	M.	D.
25th January to 31st January	0	0	0
February to April	0	3	0
1st May to 13th May	0	0	0
Total	0	3	0

(b) The period commencing on 30th January and ending with 2nd March should be deemed as 1 month and 4 days as indicated below :—

	Y.	M.	D.
30th January to 31st January	0	0	0
February	0	1	0
1st March 2nd March	0	0	0
Total	0	1	0

(33) **Officiating** means the railway servant officiates in a post where he performs the duties of a post on which any other person holds a like or when a competent authority appoints him to officiate in a vacant post on which no other railway servant holds like.

(34) **Overseas Pay** means pay granted to a Railway servant in consideration of the fact that he is serving in a country other than the country of his domicile.

(4) **Tenure post** means a permanent post which an individual railway servant may hold for more than a limited period.

Note—In case of doubt the President shall decide whether a particular post is or is not a tenure post.

Railway Ministry's decision.—The President has decided that there is no objection to a non-gazetted post, outside the cadre of a regular service being declared as a tenure post, if the conditions so warrant.

(5) (a) **Time-scale pay** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay, formerly, known as progressive.

(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time scale are identical.

(c) A post is said to be on the same time-scale as another post on a time scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, that cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by this position in the cadre, or class and not by the fact that he holds that post.

(6) **Transfer** means the movement of a railway servant from one headquarter station in which he is employed to another such station, either—

- (a) to take up the duties of a new post, or
- (b) in consequence of a change of his headquarter.

(7) **Travelling allowance** means an allowance granted to a railway servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances and tents.

104. Pensionable Service.—(1) The service of all railway servants except those mentioned in rule 105 shall be pensionable.

(2) All railway servants who were already pensionable prior to the introduction of Pension Scheme on Railways with effect from 1st April 1957.

(3) Government servants permanently transferred to the Railway Department from other Government departments in which the services were pensionable.

105. Non-pensionable Service.—Subject to what has been stated in rule 104 the service of the railway servants who entered service before 16th November, 1957, and who after introduction of pension schemes on Railways did not opt for it, when options were open from time to time, shall be non-pensionable. They continue to be eligible for the benefits of State Railway Provident Fund and for gratuity in accordance with the rules prescribed in that behalf.

CLASSIFICATION OF SERVICES

106. For the purpose of these rules, the railway services shall be classified as follows with effect from 1-4-1976:

(a) Gazetted

- (1) Railway Services, Group A
- (2) Railway Services, Group B

(43) Railway servant means a person who is a member of a service or holds a post under the administrative control of the Railway Board. It also includes a person who is holding the post of Chairman, Financial Commissioner or a Member of the Railway Board. Persons lent from a service or post which is not under the administrative control of the Railway Board to a service or post which is under such administrative control do not come within the scope of this definition. The term excludes casual labour.

(44) Special Pay means an addition of the nature of pay, to the emoluments of a post or of a Railway servant, granted in consideration of—

- (a) the specially arduous nature of duties; or
- (b) a specific addition to the work or responsibility and includes non-practicing allowance granted to doctors in lieu of private practice.

Audit Rating.—A provision in the contract of a Government servant appointed to a particular post that he should "also do all things that may be required of him" does not contemplate this being required to perform onerous additional duties in another post without remuneration.

Government of India Orders.—The power of granting special pay as defined in this Rule shall be exercised only by the authority empowered to regulate the scales of ordinary pay.

(G.I., H.D. No. F. 272-23 dated 16th December, 1926.)

(45) Scales of pay

'Authorised scales of pay' means the scales of pay introduced under the Railway Services (Authorised Pay) Rules, 1960.

'Revised scales of Pay' means the scales of pay introduced under the Railway Services (Revised Pay) Rules, 1973.

(46) Subsistence grant means a monthly grant made to a Railway servant who is not in receipt of pay or leave-salary.

(47) Substantive pay means the pay other than special pay, personal pay or emolument classed as pay by the President under Sub-rule 35 (ii), to which a railway servant is entitled on account of a post to which he has been appointed substantively, or by reason of his substantive position in a cadre.

Note: In the case of a person with a lien on a permanent post under a State Government, 'Substantive Pay' means the 'substantive pay' as defined in the relevant rules of the State Government concerned.

(48) Temporary post means a post carrying a definite rate of pay sanctioned for a limited time.

(iii) 50% by promotion of staff in the lower grade as per prescribed procedure.

(2) Age : For direct recruitment will be between 18 and 25 years.

(3) The period of training for direct recruits will vary depending on the qualifications of recruits. The same will be as under :—

- (i) Course completed Act Apprentices trained in Railway Establishments.—Nil
- (ii) Course completed Act Apprentices trained in non-Railway Establishments.—6 months
- (iii) ITI passed candidates.—6 months
- (iv) Matriculates.—3 years

(4) The rate of stipend during the period of training will be Rs. 900-20-940.

(5) The following higher grade posts are available to Skilled Artisans Grade III in the normal channel of promotion :—

SKILLED GRADE-II

(1200-1800)

SKILLED GRADE-I

(1320-2040)

NOTE : Skilled Artisans Grade-I are further eligible for being considered for promotion as Mistries in scale Rs. 1400-2300 as also for fitment in Master Craftsmen scale Rs. 1400-2300 in accordance with rules/orders governing such promotion fitment. However, the grade of Master Craftsmen will be a terminal grade for those who opt for the same.

(Authority : Railway Board's letter No. E(NG)-III/78/RC-1/9 dated 24-2-79 and 27-10-79, E(NG)-II/84/RC-2/16 dated 23-11-1984, PC-III/82/PS-3/10 dated 14-2-1986 and E(NG)I/86/PM-7/8 dated 3-6-1987)

(X) MEDICAL DEPARTMENT-PARA MEDICAL STAFF

(i) STAFF NURSE

160. (1) The vacancies in the grade of Staff Nurses scale Rs. 1400-2600 will be filled by direct recruitment through the agency of the Railway Recruitment Boards.

9-190 RB/89

Provided that the Nurses in possession Nurse-Cum-Midwifery Certificates will be promoted as Staff Nurse after they have qualification stipulated for direct recruitment.

(2) The qualification etc. for direct recruitment are as under :—

- (i) **Educational** :—Candidates should possess Certificate as Registered Nurse & Midwife having passed three years course in General Nursing and six months course in the Midwifery from a school of Nursing or other Institution recognised by the Indian Nursing Council or B.Sc (Nursing).

NOTE : The Indian Nursing Council has also laid down certain special concessions for the above courses in respect of Auxiliary nurse-Midwives, Midwives and 'B' Grade Nurses, by way of reduced course period, etc. Candidates obtaining the qualification prescribed above, under these concessions will also be eligible for recruitment.

(ii) **Age** : Between 20 and 35 years.

(iii) **Incentive** : Staff Nurses who possess at the time of recruitment or acquire subsequently a degree in Nursing will be granted two advance increments.

(2) The following higher grade posts are available to staff Nurses in the normal channel of promotion by selection or non selection as the case may be :

NURSING SISTER

(1640-2900)

MATRON GRADE-II

(2000-3200)

NOTE : Staff Nurses in scale Rs. 1400-2600 will be eligible for promotion as Nursing Sister in scale Rs. 1640-2900 on seniority-cum-suitability basis, suitability being determined on the basis of an oral test and record of service, after they have put in a minimum of 5 years regular service in the grade.

(Authority : Advance Correction Slip Nos 131 dated 23-1-1982 and 136 dated 23-1-1984 (Paras 173 and 174 of IREM (1968 edition) forwarded under Railway Board's letters No. E(NG)I-79/PM-1/274 dated 23-1-1982 and 23-1-1984 respectively).

Annexure 6 (24th Dec 1983) 400

Annexure -7-

2) Qualifications etc. for direct recruitment are as under :—

- (i) *Educational* : Diploma in Mechanical/ Electrical / Electronics / Telecommunication Engineering.
- (ii) *Age* : Between 18 and 28 years.
- (iii) *Training* : Two years.
- (iv) *Stipend* : Rs. 1200-30-1230.

(3) *Channel of promotion/higher grades* : The following higher grades posts will be available to this category in the normal channel of promotion :

HEAD DRAFTSMEN/SR. JIG & TOOL DESIGNER
(1600—2660)

CHIEF DRAFTSMEN/JIG & TOOL DESIGNER
(2000—3200)

(4) 25% of the vacancies in the grade of Head Draftsmen/Sr. Jig & Tool Designer in scale Rs. 1600-2660 will be filled by direct recruitment through the Railway Recruitment Boards as per qualifications etc. as given below :—

- (i) *Educational* : Degree in Mechanical/Electrical/Telecommunication Engineering.
- (ii) *Age* : Between 20 and 30 years.
- (iii) *Training* : One year.
- (iv) *Stipend* : Rs. 1600/-.

[E(NG)III-78/RRI/3 dt. 20-8-78 and 20-4-79
and E(NG)II-84 RC2/48 dt. 2-3-85]

VIII. STORES DEPARTMENT

(i) ASSISTANT STORE KEEPERS

157. (1) The vacancies in the grade of Assistant Store Keepers in scale Rs. 1400-2300 will be filled as under :

- (i) 33-1/3% by direct recruitment through the Railway Recruitment Boards; and
- (ii) 66-2/3% by promotion from amongst opted Senior Clerks in scale Rs. 1200-2040 in the Stores Department in the Depots and 50% in the purchase cadre as provided in the AVC by the Zonal Railway's/Production Units.

(2) The qualifications etc. for direct recruitment are as under :—

- (i) *Educational* : Diploma in Engineering.
- (ii) *Age* : Between 18 and 28 years.
- (iii) *Training* : 6 months as per schedule detailed in Annexure II to Railway Board's letter No. E(NG)II/83/RR 1/16 dated 9-12-1983.
- (iv) *Stipend* : Rs. 1400/-.

(3) *Channel of promotion/higher grades* :—The following higher grade posts are available to this category in the normal channel of promotion :—

WARD KEEPER GRADE II
(1600—2660)

WARD KEEPER GRADE I
(2000—3200)

[E(NG)II-83 RR1-16 dt. 9-12-83]

(ii) STAFF IN PRINTING PRESSES

158. The rules regarding recruitment/promotion of staff in Printing Presses are as contained in the Booklet "Rules for Recruitment, Training and Promotion of staff in the Railway Printing Presses" first reprint 1973 as corrected from time to time through formal amendments or instructions issued by the Railway Board.

IX. SKILLED ARTISANS

159. (1) The vacancies in the category of Skilled Artisans Grade III in scale Rs. 950-1500 in various Engineering Departments will be filled as under :

- (i) 25% by selection from course completed 'Act Apprentices', ITI passed candidates and Matriculates from the open market; serving employees who are course completed Act Apprentices or ITI qualified could be considered against this quota allowing age relaxation as applicable to serving employees.
- (ii) 25% from serving semi-skilled and unskilled staff with educational qualification as laid down in Apprentices Act; and

अर्थ कुशल, should be ensured that their suitability for semi-skilled or skilled grade is adjudged well in time before they attain temporary status.

र अर्धकुशल के Board's No. E(NG)II/CL/83 dt. 11-5-73)
दिनियों में 2

Digitized by srujanika@gmail.com

जिवामत (परिवर्तन) When casual labour are engaged in skilled categories वै उन्होंने ज्ञानों के लिए. the relevant scale for the purpose of determining their wages (as per orders regulating wages in parivartan में) Casual labour will be that applicable to skilled त्वापना की लाइसेंस. On attaining temporary status they shall be paid in that scale. Similarly for Project Casual Labour skilled categories with 180 days continuous service, consolidated wages shall be at the minimum of the scale of pay applicable to artisans plus D.A. Payment on this basis will be admissible however, from the date of passing prescribed trade test if the same is later than the date of attaining temporary status or date of completion of 180 days, as the case may be, from whichever date later. No casual labour in skilled category can be engaged without the approval of an authority lower than a Divisional Engineer.

नियुक्ति के बाद's No. E(NG)II/84/CL/58 of 20-12-85) के अनुसार

निम्नतर 3) Casual labour engaged in work charged establishment of certain Departments who get promoted

to semi-skilled, skilled and highly skilled categories due to non-availability of regular departmental candidates and continue to work as casual employees for a long period, can straightforwardly be absorbed in regular vacancies in skilled grades provided they have passed the requisite trade test, to the extent of 25% of the vacancies reserved for departmental promotion from the unskilled and semi-skilled categories. These orders also apply to the casual labour who are recruited directly in the skilled categories in work charged establishments after qualifying in the trade test.

(4) (a) Casual labour should be subjected to medical examination as early as possible and preferably before grant of temporary status. Continued retention in employment is subject to qualifying in the prescribed medical examination. When casual labour who have put in six years service, whether continuous or in broken periods, are included in a panel for appointment to Group D posts and are sent for medical examination for first appointment to regular service, the standard of medical examination should not be the one that is required for first appointment but should be the appropriate standard as prescribed for re-examination during service.

(b) Such of the Casual labour as are found, on medical examination, unfit for the particular category for which they are sent for medical examination despite the relaxed standard prescribed for re-examination, may be considered for alternative category requiring a lower medical classification subject to their suitability for the alternative category being adjudged by the screening Committee, to the extent it is found possible to arrange absorption against alternative posts requiring lower medical classification.

मजदूरों का from time to time, and subject to such exceptions and conditions like appointment on compassionate ground, quotas for handicapped and ex-service etc. as may be specified in these orders they will have a prior claim over others to recruitment on a regular basis and they will be considered for regular employment without having to go through employment exchanges. Such of them who join as Casual before attaining the age of 28 years should be allowed relaxation of the maximum age limit prescribed for Group D posts to the extent of their total service which may be either continuous or in broken spurts कर सकते हैं।

No temporary posts shall be created to accommodate such casual labour, who acquire temporary status for the conferment of attendant benefits like regular scale of pay, increment etc. After absorption in regular employment, half of the service rendered before attaining temporary status by such persons before absorption against a regular/temporary/permanent post, will qualify for pensionary benefits, subject to conditions prescribed in Railway Board's letter E(NG)II/78/CL/12 dated 14-10-80. (Letter No. नगाए जाने G)II/85/CL/6 dated 28-11-86 in the case of Protection of Employment of Casual labour).

25-1-85

Casual labour who have acquired temporary status and have put in three years continuous service shall be treated at par with temporary railway servants for purpose of festival advance/Flood Advance the same conditions as are applicable to temporary railway servants for grant of such advance provided they furnish two sureties from permanent railway employees.

Casual labour engaged on works, who attain temporary status on completion of 120 days continuous employment on the same type of work, should be treated as temporary employees for the purpose of casual leave in terms of Rule 554-R-I (1985 Edition).

Casual labour who has attained temporary status has been paid regular scale of pay, when re-engaged, having been discharged earlier on completion of or for non-availability of further productive work, का कुछ ना जाए जा ! be started on the pay last down by him. (This will be effective from 2nd October, 1980).

2006. Absorption of Casual Labour in regular vacancies.—Absorption of casual labour in regular Group D employment may be considered in accordance with instructions issued by the Railway Board from time to time. Such absorption is, however, not automatic but is subject, inter-alia, to availability of vacancies and suitability and eligibility of individual casual labour and rules regarding seniority unit method of absorption etc. decided by the Railway Administration.

(ii) (a) Casual Watermen for summer season shall be eligible for temporary status on completion of 120 days of continuous employment.

(b) For this purpose, various spells of engagement as casual waterman may be aggregated provided the gap between two spells of employment has been caused due to season being over and/or there being no work for them in such establishment provided further that if a person engaged in the previous years is given an opportunity to work in the same hot weather establishment in the subsequent year but he fails to avail of that opportunity, he will have to start afresh in the event of his being so engaged again in future seasons. These provisions are effective from the summer season of 1985. (E(NG)II/83/CL/117 dt. 25-1-85).

(iii) As long as it is established that a casual labour has been enrolled within the prescribed age limit, relaxation in upper age limit at the time of actual absorption should be automatic and guided by this factor. In old cases where the age limit was not observed, relaxation of age should be considered sympathetically. The DRMs may exercise such powers to grant relaxation in age limit.

2007. Employment of Casual labour in skilled categories.—(i) Normally Casual labour should not be appointed in skilled categories without a trade test. A panel should be maintained by the open line to cater to the needs of the casual labour in semi-skilled and skilled categories. Where no panel of suitable candidates is available, engagement in semi-skilled or skilled categories may be done without trade test but

The date and venue of the screening will be informed at a later date.

This issues with the approval of competent authority.

Encl: proforma application

2/12/93
C/C (D. RAMAMURTHY)

16/12/93

Recd

2/12/93 - 2/12/93

Copy to: CPO/SC w.r.t. his letter P(EL)/35/TR/SC dt. 26.11.93

Copy to: DRM(P)/ EG/SC w.r.t. his letter No. CP/676/VAC/TRD-TRS/ ELS/93 dt. 8.12.93.

" : Dy. FA&CAO/RE/BZA

" : CPM/RE/BPL

" : Dy. CSTE/CN/OHE/SC, They should notify the contents of this letter among RE casual labour artisans BZA, now working under them and forward the applications in prescribed proforma in time to this office.

Copy to: Secretary, SCRE Sangh/RE Branch, BZA

Copy to: Secretary, SCRMU Union/RE Branch, BZA,

Copy to: Notice Board.

QJ
17/12

QJ
17/12/93

RC
17/12

Received

17/12/92

RC
17/12

RC
17/12

RC
17/12/93

RAILWAY ELECTRIFICATION

OFFICE of the
CRM/RE/BZA

NO. E. 252/KSRE/3080/1/Vol. III

Dated: 15.12.93

DY.CEE/RE/BZA, DY.CSTE/RE/BZA, DY.CE/RE/BZA,
DEN/RE/BZA, SEE/HQ/RE/BZA, SEE/OHE/RE/BZA,
SEE/G/RE/BZA, SSO/RE/BZA, DY.CEE/RE/KZJ,
ACOE/RE/KZJ, DEN/RE/SC, DY.CSTE/RE/GTL, ASTE/RE/SC.

16

(2c)

Sub:- Filling up of the posts of Artizan staff created for the maintenance now TRD assets of KSRE-SC(EG) Division.

It is proposed to fill up the following Artizan posts grade-III, which are created on SC(EG) Division for the maintenance of new TRD assets and meant for direct recruitment quota for skilled Artizans by screening the RE Casual labours Artizan.

Sl. No.	Name of Artizan post and scale of pay	No. of posts to be filled up	SC	ST	OC
1.	Fitters Rs.950-1500	7	4	2	17
2.	Lineman Rs.950-1500	16			

Application are here by invited from all serving RE Casual labour Artizans in grades Rs.950-1500 and above in prescribed proforma (copy enclosed) subject to following terms and conditions.

- 1) Serving RE casual Artizans Gr. III, Gr. II & Gr. I are eligible to volunteer provided they are willing to be absorbed as skilled Gr. III only in scale Rs.950-1500 (RSRP)
- 2) The volunteers will be subjected to screening to adjudicate their suitability.
- 3) Casual Artizans in skilled Gr. II & I volunteering for absorption as skilled Grade III in TRD/SC, should exercise specific option in writing that they are willing to be absorbed as skilled Artizans grade. III in scale Rs.950-1500 (RSRP) and accept seniority assigned from the date of absorption.
- 4) The volunteers will be assigned seniority from the date of their absorption. However, they maintain their inter-re-seniority as per the screened list, which will be based on the no. of days casual service rendered by them.

The application in prescribed duly filled in all respects, should reach this office on or before 28.12.93 through proper channel. The controlling Officer while forwarding the application of the eligible Casual labour should certify whether any DAR/SPB/Vis. cases are pending/contemplated or to be initiated against the casual labour.

Contd.. 2..

2052

PRO FORMA APPLICATION

1. Name
2. Father's Name
3. D.O.B.
4. D.O.A.
5. Present Design. & grade
6. Date of entry to the grade.
7. Qualification:
 Academic
 Technical
8. Caste

DECLARATION

I am prepared to work any-where in SC Division, on absorption. I am prepared to be absorbed in SK Grade-III and accept the seniority assigned to me on absorption. I will not claim to my original seniority and my existing grade-III/I. I accept other terms and conditions of absorption, from time to time in the new assignment. I enclose copies of educational, technical qualification and Caste Certificate.

SIGNATURE OF THE
APPLICANT:

Certified that the above particulars furnished by the applicant are correct as per the office records and he is free from DAR/SPE/VIG. Cases as on date.

Place:

Date :

SIGNATURE OF SUPERVISOR.

.....

INDIAN RLY'S.
RAILWAY ELECTRIFICATION

Office of the
CPM/RE/BZA.

No. E. 252/KSRE/3080/1/Vol.III

Dt. 23-3-1994.

DY.CEE/RE/BZA, Dy.CEE/RE/KZJ, SEE/OHE/RE/BZA.
SEE/G/RE/BZA, ASTE/RE/SC.

Sub:- Filling up the posts of Artizans created for maintenance of new TRD assets of KSRE SC(BG) Divn. - Relieving of RE Casual Labour screened for absorption as artizans.

Ref:- 1. DRM(P) BG/SC's memorandum is issued under letter No.C.P.676.VAC.TRD.94 dated 7-3-1994.
2. DRM(BG)SC's letter No.CP/676/VAC/TRD/94 dated 9-3-1994.

The following RE Casual Labour artizans who were screened and empanelled for absorption as artizans in scale Rs.950-1500(RSRP) in TRD Organisation of SC(BG) Divn. vide DRM/P/BG/SC's memorandum under reference No.1, should be relieved immediately from RE with instructions to report to Sr.DPO(BG)SC for orders in regard to their training before regular absorption.

Sl. No.	Name of the C.L.	Designation	Unit working
1.	V.Raghuramaiah	Fitter/Gr.II	Dy.CEE/RE/KZJ - 23/3/94
2.	T.Ratnam	Blacksmith	-do- 3-3-94
3.	Sk.Saleem	Lineman/Gr.II	-do- 3-3-94
4.	G.Bhaskara Rao	Mason	-do- 3-3-94
5.	Ch.Narasimham	Driver	ASTE/RE/SC - 23/3/94
6.	M.Harinadhachary	Carpenter	-do-
7.	G.Krishnamurthy	Blacksmith/Gr.II	Dy.CEE/RE/KZJ - 23/3/94
8.	Sk.Kaleshavalli	Fitter	SEE/OHE/RE/EZA
9.	K.Sudarshanarao	-do-	-do-
10.	S.V.L.S.Ramareao	-do-	-do-
11.	P.Lovaraju	Electrician	-do- (KZJ)
12.	K.Balakrishnemraju	Fitter	Dy.CEE/RE/KZJ
13.	P.V.Narasimharao	-do-	-do- 23/3/94
14.	P.Ramakrishna	Fitter	-do- 23/3/94
15.	S.N.M.Mohiddin	Electrician	SEE/G/RE/EZA. 23/3/94

This issues with the approval of CPM/RE/BZA.

(D. RAMA MURTHY)
for CPM/RE/BZA.

Copy to:- Sr.DEE/TRD/EG/SC, Serial No.1, 10 to 14 are required to be continued to work as TSS/ES Operators in KZJ-SC section. He may please take these Candidates on his rolls and continue them as Operators.

Dy.FAQAO/RE/BZA, Sr.DAO/EG/SC, Sr.DEC/EG/SC,

Dy.CSTE/RE/BZA,

SR & Bill Clerks of SPC/RE/G/EZA for information and necessary action.

mjr.

23/3/94
H.C.

14 A
The Syllabus for the above Trade Test is enclosed for Circulation among the above Casual Labour Drivers.

This issues with the approval of competent authority.
Encl: as above.

(R.V.R.A.RAO) 26/11/91
for CEM/RE/BZA.

C/-Dy.CEE/HQ/RE/BZA, & Chairman Trade Testing Committee.

C/-SDE/OHE/RE/BZA: & Forwarding Authority of Trade Testing Committee.

C/-AEE/HQ/RE/BZA & Trade Testing Officer

C/-Shri Goparaju Kumar, JEE/I/OHE/RE/BZA, Trade Testing Supervisor.

C/-DY.CEE/OHE/RE/BZA: It is requested to spare the services of Shri Goparaju Kumar, JEE/I/OHE/PE/BZA to conduct the above Trade Test.

C/-SAO/RE/SEA

C/-The Secretary, S.C.R.E.Sangh/RE Branch/BZA.

C/-The Secretary, S.C.R.M.Union/RE Branch/BZA.

gazetted - 832

copy to - 166

DRIVING LICENCES
MILITARY ELECTRIFICATION

Amravati - 11

Office of the
CFM/PE/BZA

to. E. 252/VVRE/3080/Drivers Dt. 15.11.1995.

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CSE/PE/CZA: CSTE/RE/C/SC: D/CE/RE/BZA: DEE/GESS/RE/PEA: DEE/PE/SC

ACOS/PE/SCA: ASTE/RE/RJY: AEE/HQ/RE/BZA: DSTE/RE/BZA

DY. CEE/CHE/RE/BZA; Dy. CEE/RE/PEA

Sub: Filling up of vacancies of Vehicle Drivers posts in scale
Rs.1200-1800(RSRF) by PE Casual Labour Drivers in scale Rs.
950-1500(PSRL).

The following casual labour Drivers on scale Rs.950-1500(RSRF)
working under your control, may be directed to report to
Shri F.S.Sastry, AEE/HQ/RE/BZA(Trade Testing Officer) on the
dates shown against each at 8.00 hrs at the Office of DEE/CHE/
C/RE/PE/CZA to appear for Trade Test for the posts of Vehicle
Drivers in scale Rs.1200-1800(RSRF)

S. No.	Name of the C.L.	Designation/ Unit working	Date of Trade Test
1.	V.Damodar	Driver, DY.CE/PE/C/BZA	27.11.95
2.	T.A.John	-do- CSTE/RE/C/BZA	-do-
3.	A.Razaak	-do- AEE/HQ/RE/C/BZA	-do-
4.	F.Venkata Subbaiah	-do- -do-	-do-
5.	H.Kondala Rao	C/Driver, DY.CEE/GUE/PE/BZA	-do-
6.	A.Chundru	Driver ASTE/RE/C/RJY	28.11.95
7.	<u>H.Raju</u>	-do- DEE/RE/C/SC	-do-
8.	<u>Y.Raj Kumar</u>	-do- DEE/GESS/RE/PEA	-do-
9.	H.Veetanna	-do- CEE/RE/C/BZA	-do-
10.	Y.Krishanendram	-do- ACOS/RE/C/BZA	-do-
11.	<u>V.Jaya Rao</u>	-do- DEE/GESS/RE/C/BZA	29.11.95
12.	H.Suri Sabu	-do- DY.CEE/RE/C/VSRI	-do-
13.	G.Sri Hari	-do- -do-	-do-
14.	G.V.Chalapathi Rao	-do- DSTE/RE/C/BZA	-do-

They have to bring their Original Driving Licences with them.

Office of the

DRD/P/BZA

2,563/VIII/C/1/VII/Drivers dt: 31.1.95

CE/CH/CH/BZA & Dy.CE/CH/III-GB/RJY
CH/CH/CH/BZA & Dy.CE/RE/BZA

The following CH/Drivers have reported to this office on 30.1.95 for trade test/viva voce post of Motor driver grade III but trade test/viva voce could not be conducted due to non-availability of committee members. Therefore, screening was conducted on 31.1.95 and are relieved in the afternoon of 31.1.95.

Sl.No. Name/Designation
S/Shri

1. R. Daniel, CMR Dr/Dy.CE/CH/CC/BZA
2. R. Saikamikrishna, CMR Dr/Dy.CE/CH/BZA
3. D. Nagaraju, CMR Dr/Dy.CE/RE/BZA
4. M. Nagendraprasad, CMR Dr/Dy.CE/CH/CC/BZA
5. P. Appalareddy, CMR Dr/Dy.CE/III-GB/RJY
6. Y. Sreedevarreddy, CMR Dr/Dy.CE/RE/BZA
7. S. A. Joseph, CMR Dr/Dy.CE/CH/CC/BZA
8. K. Saseen, CMR Dr/Dy.CE/CH/III-GB/RJY

(V. V. Mudaliar)

As. Divisional Personnel Officer
S.C. Railway, Vijayawada

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12. Z. Subba Rao SC Khalasi, CSTE/RE/BZA
s/o Kottaiah
13. K. Srinivasulu OC Driver, SEE/HQ/RE/BZA Sub. to prodn. edn. certificat
s/o Venkata Bommireddy
14. R. Narasimhulu OC M. Man, DEN/RE/BZA
s/o Goradasalam
15. B. Murthy OC Gangman, DEN/RE/RJY
s/o Lakshmaiah
16. P. Nageswara Rao OC Driver, Dy. FARGAO/ Sub. to prodn. of certificates.
Veeraswamy
17. S. S. Srinivasulu OC Khalasi, Dy. CEE/ -do-
s/o Suryanarayana
18. P. Pathuru OC Khalasi, SSO/RE/BZA -do-
s/o Deva Rathnam
19. B. Jaya Rao OC Khalasi, CSTE/RE/BZA -do-
s/o Moses
20. D. Yesudas OC Fitter, Dy. CEE/OHE/ -do-
s/o Raghavulu RE/BZA
21. D. Moses OC Wireman, Dy. CEE/RE/RJY
s/o Hanumantha Rao
22. D. Venkatasacharyulu OC Khalasi, CSTE/RE/BZA
s/o Venkatasacharyulu
23. Ch. Venkateswara Rao OC Fitter, CSTE/RE/BZA
s/o Ramulu
24. T. Prasada Rao OC Khalasi, DSTE/RE/ Sub. to prodn. of edn. certificates.
s/o Siddi Venkateswararao RJY
25. V. Satyanarayana OC Khalasi, DSTE/RE/RJY
s/o Rama Rao
26. Ch. Sreekanth Babu SC Driver, CEE/RE/BZA
s/o Babu Rao
27. S. Suryanarayana OC H/Man, DSTE/RE/RJY
s/o Srinivasulu
28. S. Benjaminbabu OC Khalasi, CSTE/RE/BZA
s/o Jacob
29. T. Narayana Raju OC W/Man, DEE/G&SS/RE/BZA
s/o Chinna Nagaraju
30. Sd. M. Basha OC Khalasi, CSTE/RE/BZA
s/o Nanasaheb
31. Y. Jai Rao SC Driver, DEE/G&SS/RE/BZA
s/o Venkatesu
32. G. Satyanarayana OC -do- SEE/HQ/RE/BZA

comd. 3.

INDIAN RAILWAYS
RAILWAY ELECTRIFICATION

Office of the CPM/RE/BZA
No. E.252/KSRE/3080/Screening/Vol.II

Date: 24.02.1997

DRM/P/BZA

Sub: Screening of RE CL for absorption as Khalasis in scale
Rs.750-940 (RSRP) in TrD of Vijayawada Division.

Ref: Your letters No.B/P.564/UI/TrD/Vol.III, dt.4.12.96, 1.1.97
and 3.1.97.

In pursuance to this office letters of even no. dt. 24.12.96, 27.12.96,
3.1.97, 8.1.97, 9.1.97 and on the recommendations of the Screening
Committee which met on 31.12.96, 1.1.97, 2.1.97, 10.1.97, 11.1.97
and also on 21.1.97 and 22.1.97 at BZA, the following casual labour
of this Project are found suitable and placed on the panel provision-
ally for being posted as Khalasis in scale Rs.750-940 (RSRP) in TrD
of BZA Division.

Sl. No.	Name of the CL (S/Sri) Father's name	Community	Design/Unit	Remarks
(1)	(2)	(3)	(4)	(5)
1.	K. John s/o Samuel	OC	Wireman, CSTE/RE/BZA	Sub. to prodn. of Edn. certificate
2.	D. John s/o Devasahayam	SC	Works Asst. CEE/RE/BZA	
3.	V. Venkataiah s/o Gattaiah	SC	Khalasi, DSTE/RE/KZI	
4.	T. A. John s/o T. Yesudas	SC	Driver, CSTE/RE/BZA	Sub. to prodn. of Edn. certificate
5.	B. Pendalaiah s/o Pendalaiah	SC	Mason, -do-	
6.	Ch. Venkataiah s/o Bhikshalu	SC	Wireman -do- Sub. to prodn. of Edn. certificates	
7.	K. Srihari s/o Seetharamaiah	SC	Mason, DEN/RE/BZA	
8.	L. Suryaprakasa Rao s/o Pedda Subbaraidu	OC	Driver -do-	
9.	D. Govardhan Rao s/o Adaih	SC	H/Mn, DEE/RE/BZA	
10.	K. Brahmanandam s/o Venkataraman	SC	Wireman, CEE/RE/BZA	
11.	V. S. S. Remaraju s/o Singa Raju	OC	Driver, SEE/HQ/RE/BZA	

contd..2..

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(3) (4)

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54. B.V.R.Dass	s/o Nammendas	SC Lascar, SEE/HQ/RE/BZA
55. A.Nageswara Rao	s/o Ramaiah	SC Khalasi, ACOS/RE/BZA
56. A.Chandra	s/o Raghavulu Naidu	OC Driver, DSTE/RE/RJY
57. N.Chinna Rao	s/o Simmanna	BC Khalasi, ACOS/RE/BZA
58. Clive Besterwitch	s/o Besterwitch	OC Khalasi, Dy.CEE/ Sub.to prodn.of OPE/RE/BZA Ednl. certificate
59. G.Dharmaiah	s/o Subbaiah	BC M/Man, DEN/RE/BZA
60. N.Narasimha Murthy	s/o Subbaiah	OC Driver, Dy.CEE/ OHE/RE/BZA
61. K.Venkateswara Rao	s/o Koteswara Rao	SC Khalasi -do-
62. K.S.Inbarajan	s/o Kailasam	SC Cable Jointer, Sub.to prodn. of CSTE/RE/BZA Ednl. certificate
63. K.Venkatakumar	s/o Veerabhadra Rao	BC R/Sorter, CEE/RE/BZA
64. K.Lokeswara Rao	s/o PapaRao	OC Khalasi, ACOS/RE/BZA
65. D.Hari Prasad	s/o Jhotaiah Reddy	OC Khalasi -do-
66. A.Gopal Naidu	s/o Narayanaswamy Naidu	OC Khalasi, Dy.CSTE/RE/RJY
67. Sk.Mastan	s/o Rahamatullah	OC Mason, DEE/G&SS/RE/BZA
68. Sk.Latiff Hussain	s/o Jani Hussain	OC Khalasi, Dy.CE/RE/BZA at SC
69. J.Subrahmanyam	s/o Kotilingam	BC Khalasi, DEE/G&SS/RE/BZA
70. T.Ravi Kumar	s/o Venkataswamy Rao	OC M/Man, Dy.CEE/RE/RJY
71. M.Narasimha Rao	s/o Naravana	OC R/Sorter, CEE/RE/BZA
72. D.Subramani	s/o Venkataswamy Raju	OC Khalasi, Dy.CSTE/RE/RJY
73. J.Balaraju	s/o Raja Rao	SC Khalasi, ACOS/RE/BZA
74. G.Raviprasad Babu	s/o G.Venkateswarlu	BC Khalasi, Dy.CEE/OHE/RE/BZA
75. K.Ragaiah	s/o Subbaramaiah	BC Khalasi -do-

contd. 5..

24/2

(1) (2)

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33. Ch. Janakiramulu
s/o Venkateswamy

34. P. Ramakoteswara Rao
Venkateswara Rao

35. G. Gangadhara Raju
s/o Venkata Raju

36. K. Ramakoteswara Rao
s/o Venkataiah

37. B. Adam
s/o Francis

38. G. V. Prasada Rao
s/o Ch. Obaiyah

39. G. Buddaiah
s/o Anjaneyulu

40. D. Sarangapani
s/o Komaraiah

41. Ch. Changalrayudu
s/o Siddaiah

42. Sd. Aktar John
s/o Sd. Mahaboodh

43. K. S. Kantha Raju
s/o K. S. Mani

44. P. Venkateswarlu
s/o P. Balaguraviah

45. A. Balaiiah
s/o Anthony

46. A. Nageswara Rao
s/o Venkataramaiah

47. K. Dharmar Reddy
s/o Guruva Reddy

48. J. Aranya Raj
s/o Jay a Raj

49. A. Ganesh Babu
s/o Baipagi

50. M. Raju
s/o Iylaiah

51. D. Subba Raju
s/o Krishnam Raju

52. J. Haribhushana Rao
s/o Kondaiah

53. A. Venkatarajam
s/o Ramachandram

OC M/Man, DEN/RE/BZA

SC ICM, CSTE/RE/BZA Sub. to prodn. of Edn. certificates.

OC Record Sorter,
CEE/RE/BZA

OC Gangman, AEN/BE/RE Sub. to prodn. of Edn. certificates

BC Gangman, DEN/RE/BZA

SC Khalasi, Dy. CSTE/RE/RJV

SC Lineman, DEE/G&SS/RE/BZA

SC Khalasi, DSTE/RE/RJV

OC M/Man, DEN/RE/BZA

OC Khalasi, CEE/RE/BZA

OC Fitter, DEE/G&SS/RE/BZA

SC Khalasi, SSO/RE/BZA

OC Welder, DEN/RE/BZA Sub. to prodn. of Edn. certificates.

SC W/Asst, Dy. CEE/CHE/RE/BZA

BC H/Man, DEN/RE/BZA

OC Painter, Dy. CEE/CHE/RE/BZA

OC Driver, CEE/RE/BZA

OC Driver, Dy. CEE/RE/RJV

OC Driver, Dy. CSTE/RE/RJV

SC Khalasi, Dy. CEE/RE/RJV

OC 3smith, CSTE/RE/BZA Sub. to prodn. of Edn. certificates

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contd. 4..

(1) (2)

98. T.Ramanaiyah
s/o Narasimham

99. R.Nagaraju
s/o P.Ramaswamy

100. J.C.Reddy
s/o Sanjeeva Reddy

101. V.Moses
s/o Prakasam

102. G.Sudhakaran
s/o Gopal

103. M.Rajendran
s/o Mahadevan

104. V.Sammaiah
s/o Durgaiah

105. R.Varahalai
s/o Bangarupathrudu

106. G.Jamalaiyah
s/o Sivaiah

107. N.Damodar
s/o Narasimha

108. K.Mohan
s/o K.Balaiah

109. Sk.Nagul Meera
s/o Hussain Saheb

110. Md. Altaf
s/o Ismail

111. Sk.Malasuru
s/o Hussain

112. B.Paramesh
s/o Veeraswamy

113. L.Srinivasulu
s/o Janardhana Rao

114. S.Venkata Reddy
s/o Venkattappa Reddy

115. Sk.Hussain
s/o Nanne Saheb

116. M.Papaiah
s/o Govindaswamy

117. N.Govindarajulu
s/o Satyanarayana

118. S.T.G.Hari
s/o Ramnujacharyulu

(3)

BC H Man, Dy.CEE/RE/RJY

(4)

(5)

OC Khalasi, DEE/G&SS/RE/BZA

OC Khalasi, Dy.CEE/RE/VSKP

BC Fitter -do

OC Fitter, DEE/G&SS/RE/BZA Sub.to prodn. of Edn. certificate

SC Khalasi, Dy.CEE/RE/RJY

BC M/Man, AEN/RE/RJY

BC Khalasi, Dy.CEE/RE/ Sub.to prodn. of RJY Edn. certificate

OC B/Fitter, DEN/RE/BZA

OC G/Man, Dy.CE/RE/BZA

SC Khalasi, Dy.CSTE/RE/RJY

OC Khalasi, Dv.CEE/OHE/RE/BZA

OC Lascar, SEE/HQ/RE/BZA

OC Khalasi, Dy.CE/RE/BZA
at SC

BC Lascar, AEN/RE/RJY

OC Driver, Dy.CEE/ONE/ Sub.to prodn. of RE/BZA Edn. certificate

OC Carpenter -do-

OC Khalasi, AEN/RE/RJY

BC W/Asst. Dy.CEE/RE/VSKP

OC M/Man, AEN/RE/RJY contd. 7

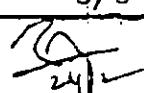
OC Khalasi, Dy.CE/RE/BZA

contd. 7

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(1)(2)(3)(4)(5)58
6

76. V.Appalacharyulu s/o Srinivasacharyulu	OC Wirmen, DEE/G&SS/RE/BZA
77. P.Upender s/o Venkataiah	OC Khalasi, Dy.CSTE/RE/RJY
78. G.Rajaiah s/o Rajaiah	SC Driver, DEE/G&SS/RE/BZA
79. D.Narasimhulu Raju s/o Sankara Raju	OC Driver, Dy.CEE/RE/VSKP
80. P.M.Prakash s/o Maniratnam	OC Khalasi, CEE/RE/BZA
81. A. Anthony s/o Jesudas	SC Khalasi, DSTE/RE/VSKP
82. S.Bhupati s/o Krishnam Naidu	OC Fitter, Dv.CEE/RE/VSKP Sub.toprodn.of Ednl.certificate
83. M..Butchaiah s/o M.Venkiah	OC H/Man, CSTE/RE/BZA
84. P.Venkateswara Rao s/o P.Ramulu	SC Khalasi, ACOS/RE/BZA
85. P.L.Ganapathi s/o Anjaneyulu	OC Ferro-cum-Roneo Operator, AEN/RE/RJY
86. Ch.Venkateswarlu s/o Venkaiah	OC Fitter, DEE/G&SS/RE/BZA
87. "Veeraiah s/o Penchalaiah	OC Fitter, -do- Sub.to prodn. Ednl.certificate
88. B.Koteswara Rao s/o Sobhanadri	OC Driver, SEE/HQ/RE/BZA
89. P.Nathaniel s/o Devasahayam	OC M/Man, DEN/RE/BZA
90. T.Madanachari s/o Ramaiah	BC B/smith, AEN/RE/RJY
91. P.Dhanunjaya s/o Kanakadri Rao	OC Khalasi, Dy.CEE/OHE/RE/BZA
92. T.Rajendran s/o S.V.T.Cholan	OC Driver, SEE/HQ/RE/BZA
93. G.Viswanadham s/o G.P.Reddappa	SC PPC Operator, -do- Sub.to prodn. of Ednl.certificate
94. Z.Jayaram s/o Ramaiah	BC Khalasi, Dy.CEE/OHE/RE/BZA
95. Amanullah Khan s/o Gafoor Khan	OC Helper to Roneo Operator, SEE/HQ/RE/BZA
96. P.Nageswara Rao s/o Ramaiah	OC G/Man, AEN/RE/BZA
97. N.Subbaramaiah s/o Venkaiah	OC B/smith, DEE/G&SS/RE/ Sub.to prdn. BZA Ednl.certificate


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contd..6..

(1)	(2)	(3)	(4)	(5)
140.	K.Nadumuni Achari s/o Muniswamy	OC B/smith,Dy.CEE/RE/RJY		
141.	E.V.Ratnam s/o Subbaramaiah	OC Fitter,Dy.CEE/OHE/RE/BZA		
142.	K.Koteswara Rao s/o Subba Rao	OC M.Man, DEN/RE/BZA		
143.	K.Anjaneya Sarma s/o Mallikharjuna Rao	OC Khalasi,CSTE/RE/BZA		
144.	G.Srihari s/o Narasimhulu	BC Driver,Dy.CEE/RE VSKP Sub.to prodn. of Edn.certificate		
145.	A.Chitti Babu s/o Nagulu Naidu	OC Driver, AEN/RE/RJY -do-		
146.	V.Nagaiah s/o Alluraiyah	OC Khalasi,Dy.CSTE/RE/RJY		
147.	R.Venkatesan s/o Rajagopal	SC Driver,DEE/G&SS/RE/BZA		
148.	B.Satyaranayana s/o Simmachalam	OC Khalasi, ACOS/RE/BZA		
149.	B.Subrahmanyam s/o Sreeramamurthy	OC W/Asst. Dy.CEE/RE/RJY		
150.	S.K.Raja s/o Bikrat Saheb	OC R/Sorter, CSTE/RE/BZA		
151.	P.Srihari s/o Malaiah	OC Khalasi, DEN/RE/BZA		
152.	Md.Abdul Rahim s/o Shaba Shaiab	OC F/Printer, CSTE/RE/BZA		
153.	P.Sattaiah s/o Dharmaiyah	BC Driver, Dy.CSTE/RE/RJY Sub.to prodn. of Ednl. certificate		
154.	G.Venkateswarlu s/o Narasimha Rao	OC Lascar, SEE/HQ/RE/BZA -do-		
155.	R.Sudarsan s/o Saraiah	OC Khalasi,Dy.CSTE/RE/RJY		
156.	D.Rajendraprasad s/o Venkatanarasaiyah	SC Khalasi, SEE/HQ/RE/BZA		
157.	E.Hanumantha Rao s/o Punnaiah	OC W/Asst. Dy.CE/RE/BZA		
158.	N.Gopalakrishna s/o Hanumantha Rao	BC Khalasi,DSTE/RE/VSKP Sub.to prodn.of Edn.certificate		
159.	B.Ravi Kumar s/o Pentaiah	SC Khalasi, Dy.CSTE/RE/VSKP -do-		
160.	K.Rajaiah s/o Veeramallu	BC Khalasi,DSTE/RE/KZJ		
161.	K.Chandramouli s/o Ramaiyah	OC Khalasi, DEE/OHE/RE/BZA contd..9..		

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119. M. Atchutacharyulu OC W. Man, Dy. CEE/RE/BZA
s/o Narasimhacharyulu at SC

120. V. Krishna Reddy OC Mason, Dy. CSTE/RE/RJY
s/o Chengal Reddy

121. S. S. Ramakrishnam Raju OC Khalasi, CSTE/RE/BZA
s/o Mantha Varam

122. S. M. M. Krishnamacharyulu OC Khalasi, DEE/G&SS/RE/BZA
s/o Raghavacharyulu

123. Sk. Mahaboob Peera OC Driver, Dy. CEE/RE/VSKP
s/o Moulali

124. N. Ramanababu BC Khalasi, Dy. CSTE/RE/RJY
s/o Venkataramaiyah

125. Sd. Dastagiri Saheb SC Fitter, Dy. CEE/RE/RJY
s/o Syed Chettusahib

126. G. Suribabu SC W. Man, DEN/RE/BZA
s/o Sahadeo

127. S. Rosaiah OC Lineman, Dv. CEE/OHE/RE/BZA
s/o Gopaiyah

128. E. B. R. U. J. B. Kumar BC M. Man, DEN/RE/BZA
s/o Immuniel

129. A. Nageswara Rao OC M. Chaser, CSTE/RE/BZA
s/o Anjaiah

130. P. T. Pillai BC Khalasi, Dy. CEE/OHE/RE/BZA
s/o Uddanda Pillai

131. Sk. Nagul Meera OC Fitter, DEE/G&SS/RE/BZA
s/o Khader Sahib

132. N. Malakondaiah OC Khalasi, CSTE/RE/BZA
s/o Lakshmaiah

133. P. Kanaka Raju OC W. Man, Dy. CEE/RE/VSKP
s/o Subba Raju

134. S. A. Abdul Majeed OC Khalasi, DEN/RE/BZA
s/o Abdul Aleem

135. K. Sadanandam OC Khalasi, DSTE/RE/VSKP
s/o Sammaiah

136. G. Kumaraswamy OC W. Man, Dv. CEE/RE/VSKP
s/o Komaraiah

137. Sk. Munawar OC Khalasi, DEN/RE/RJY
s/o Basha

138. V. Sammaiah OC Wireman, Dy. CSTE/RE/RJY
Rajaiah

139. G. Janardhan
s/o G. Pandurangaiyah

contd..8..

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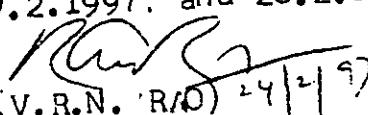
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:: 9 ::

(1)	(2)	(3)	(4)	(5)
162.	A.Nagabrahmachari s/o Malaiah	BC Carpenter, Dy.CSTE/ RE/RJY		Sub.to medical examination
163.	S.Madhu s/o Sivaraju	OC Khalasi -do-		
164.	Syed Shaik Shahavali s/o Syed Khaseem	OC M/Man,Dy.CE/RE/BZA		
165.	K.Madhusudhana Reddy s/o Komura Reddy	OC H/Man, CSTE/RE/BZA		
166.	V.Subba Rao s/o Anjaneyulu	OC Khalasi,DEE/G&SS/RE/BZA		
167.	K.Krishna s/o Gangulu	SC Khalasi,Dy.CSTE/RE/RJY		
168.	G.Sarveswara Rao s/o G.Subbaiah	OC Driver, DEE/OHE/RE/BZA		
169.	K.V.Rambabu s/o Ramakrishna	OC Lineman, DEE/G&SS/RE/BZA	Sub.to medical examination	
170.	R.Kondaiah s/o Nannaiah	OC Khalasi, DEE/OHE/RE/BZA		

(One hundred seventy names only)

The above panel is provisional.
This has the approval of CPM/RE/BZA on 20.2.1997. and 23.2.1997.


(R.V.R.N. R/O) 24/2/97
for CPM/RE/BZA

copy to:

GM(P)/RE/AID

CPD/S.C.Rly./SC

All Officers of RE/BZA for information and to notify to
all Casual Labcu.

Secretary, SCRE Sangh/RE Branch/BZA

Secretary, SCRM Union/RE Branch/BZA

1.	2.	3.	4.	5.	6.	7.	8.
5.	B. Penchallaiah, S/o. Penchallaiah	SC	Mason	CSTE/RE/ BZA	Khalasi SEE/OHE/VAT	750-940	
6.	Ch. Venkaiah S/o. Bikshaliu	SC	Wireman		/SLO		Sub. to production of Edn. certificate.
7.	K. Sreehari, S/o. Seetharamaiah.	OC	Mason	DBE/RE/ BZA		SEE/TSI/RJY	
8.	L. Survaprakashara Rao, S/o. Pedda Subbarayudu,	OC	Driver				
9.	D. Gowardhana Rao, S/o. Adaiyah.	SC	H/Man	DEE/RE/ BZA		SEE/OHE/SLO	
10.	K. Brahmamandam, S/o. Venkataratnam	SC	Wireman	CEE/RE/ BZA		SEE/OHE/BZA	

South Central Railway

O.B/R 564/1/TRD/Vol.III.

Domestic - 13

13

(67)

Office of the Divl. Railway Manager,
(Personnel Branch) Vijayawada.

Date 03.05.97

OFFICE ORDER NO. PEC/36/1997.

sub:- Absorption of RE CLs absorption as Khalasis in scale R 750-940 (RSRP) in Elect./TrD of
Vijayawada Division on bottom seniority.

Ref:- CPM/RE/BZA Lr. No. E.252/KSRE/3080/Screening/Vol.II.

Further to this Office letter cited above the following screened CLs of RE/BZA on bottom seniority at their own request in Electrical/TrD Dept. in scale R 750-940 (RSRP) to the stations indicated against each.

1. Name of the employee	2. Commu- nity	3. Present working Design/Unit	4. Posted as Design.	5. Station	6. Scale	7. Remarks
K. John, S/o. Samuel	SC	Wireman, CSTE/RE/ BZA	Khalasi	SE/PSI/VAT	750-940	Sub. to product- ion of Edn. certi- ficate.
D. John, S/o. Devasahayam	SC	Works Asst. CEE/RE BZA		SSE/OHE/VAT		
V. Venkataiah S/o. Gattalaih	SC	Khalasi	DSTE/RE/ KZJ			
T. A. John, S/o. T. Esudass.	SC	Driver	CSTE/RE/BZA	/RJY		Sub. to product- ion of Edn. certificate.

Contd. ... 2.

1.	2.	3.	4.	5.	6.	7.	8.
26.	Ch. Sreekantha Babu S/o Babu Rac	SC	Driver/ CEE/RE/BZA	Khalasi	SSE/OHE/AKP	750-940	
27.	S. Iyanaravanan S/o. Srinivasulu	BC	H/Man DSTE/RE/RJV		SSE/PSI/TUI	"	
28.	S. Benzamin Baby, S/o Jacob	BC	Khalasi, CSTE/RE/BZA		SSE/PSI/TUI	"	
29.	J. Naravananababu, S/o Chinna Nagaraju	OC	W/Man DEE/G&SS/ PSI/BZA.		SSE/PSI/TUI	"	
30.	Sd. M. Basha S/o Noor Saheb /NP	OC	Khalasi CSTE/RE/BZA		SSE/OHE/VAT	"	
31.	V. Jai Rao, S/o Venkateswarlu	OC	Driver DEE/G&SS/RE/BZA		SSE/OHE/AKP	"	
32.	G. Satyanaravanan S/o Venkateswarlu	OC	Driver SEE/HQ/RE/BZA		SSE/OHE/AKP	"	

Contd...⁴

1. V.S.S. Rama Raju S/o Sampa Raju	OC Driver/SEE/HQrs/RE/BZA	Khalasi/SEE/OHE/SLO	
2. Z. Subba Rao, S/o Kotaiah.	OC Khalasi, CSTE/RE/BZA	" " /VAT	
3. K. Srinivasulu, S/o Venkata Ramana	OC Driver,SEE/HQ/RE/BZA	" " /SLO	Sub.to produce Educational Cer- tificates.
4. R. Narasimhulu, Goradasalam	OC M.Man, DEN/RE/BZA	" " /PSI/RJY	
5. B. Murty, S/o Lakshmaiah	OC Gangman, DEN/RE/RJY	" " /OHE/SLO	Sub.to produce Educational Cer- tificates.
6. P.Nageswara Rao, S/o Veeraswamy.	OC Driver,Dy.FA&CAO/RE/BZA	" " "	"
7. S. Srinivasulu, S/o Suryanarayana	OC Khalasi,Dy.CEE/OHE/RE/BZA	" " "	"
8. P. Pethuru, S/o Jesu Ratnam	OC " SSO/RE/BZA	" " "	"
9. D. Jaya Rao, S/o Moses.	OC " CSTE/RE/BZA	" " SSE/PSI/RJY	"
10. D. Yesudas, S/o Raghavulu.	OC Fitter,Dy.CEE/OHE/RE/BZA	" " SDE/OHE/SLO	
11. D. Moses, S/o Hanumantha Rao	OC Wireman,Dy.CEE/RE/RJY	" " /AKT	
12. D. Vikanasacharyulu S/o Venkatacharyulu.	OC Khalasi, CSTE/RE/BZA	" " SE/PSI/VAT	
13. Ch.Venkateswara Rao. S/o Ramulu.	OC Fitter, CSTE/RE/BZA	" " SSE/OHE/AKP	Sub.to produce of Edu.Certificates.
14. T.Prasada Rao, S/o Siddivenkateswara Rao.	OC Khalasi,DSTE/RE/RJY	" " "	
15. V. Satyanarayana S/o Rama Rao.	OC Khalasi,DSTE/RE/RJY	" " "	Contd..4

41.	Ch.Chengal Rayudu. S/o. Siddulah	OC.	M.Man. DEN/RE/BZA.	Khalasi, SSE/OHE/VAT.	700-940.
42.	ISK. Akbar John. S/o. Mahabooob.	OC.	Khalasi. CEE/RE/BZA.	Khalasi, SSE/OHE/VAT.	"
43.	K.S. Anantha Raju. K.S. Mani.	OC.	Fitter, DEE/GRSS/ RE/BZA.	Khalasi. SE/PSI/VAT.	"
44.	P.Venkateswarulu. S/o. P.Balaguravaiah.	OC.	Khalasi. SSU/RL/BZA.	Khalasi. SSE/OHE/VAT.	"
45.	A.Balaiyah. S/o. Anthony.	OC.	Welder. DEN/RE/BZA.	Khalasi. SSE/OHE/VAT.	" Subject to Production of Education Certificate
46.	..Nageswara Rao. S/o. Venkataramaiah.	OC.	SC W/Asst Dy.CEE/OHE RE/BZA.	W/Asst. Dy.CEE/OHE/ RE/BZA. SSE /OHE/VAT	" SSL/OHE/VAT.
47.	K.Dharma Reddy. S/o.Gurava Reddy.	BC.	H.Man. DEN/RE/BZA.	-do-	"
48.	J..rogya Raj. S/o.Jayaraj.	BC.	Paipter. Dy.CEE/OHE RE/BZA.	Khalasi. SSE/OHE/GDR.	"
49.	..Ganesh Babu. S/o.Bairagi.	OC.	Driver. CEE/RE/BZA	Khalasi. SSE/OHE/VAT.	"
50.	M.Raju. S/o.IXL/Art.	OC.	Driver. Dy.CEE/RE/RJY.	Khalasi. SSL/OHE/VAT.	"

Contd..

1. 33. Ch. Janakiratulu,
S/o Venkateswamy

2. 3. OC M. Man
DEN/RE/BZA

4. 5. 6.

Khalasi

SE/PSI/VAT

34. P. Ramakoteswara Rao
S/o Venkateswara Rao

SC TCM, CSTE/
RE/BZA

SSE/OHE/BZA

35. G. Gangadhara Raju
S/o Venkataraju

OC Record Sor-
ter/CEE/RE/
BZA

SE/PSI/TUI

36. K. Ramakoteswara Rao
S/o Venkatesh

OC Gangman
AEN/RE/RJY

SSE/OHE/VAT

37. B. Adam
S/o Francis

BC Gangman
AEN/RE/BZA

SE/PSI/TUI

38. G.V. Prasada Rao,
S/o Ch. Obaiah

SC Khalasi
Dv. CSTE/RE/RJY

SSE/OHE/VAT

39. G. Buddaiyah,
S/o Mjaneyulu

SC L/Con. DEE/Gr. SS
RE/BZA

SE/PSI/TUI

40. D. Sarangapani,
S/o Komaraiyah

OC Khalasi/DSTE/
RE/RJY

Contd. - 6

64

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::7::

The above Candidates are to be relieved with proper identification letters to report to the Supervisors of the Stations mentioned against each. The Supervisors are directed to take the above Candidates after being verified and satisfied with the Identity letters.

This issues with the approval of competent authority.

Chennai - 5/3/97

(G.M.Jaikumar) (Elec.)
/Sr.Divisional Personnel Officer/BZA.

Copy to: Sr.DEE/TRL/BZA.

Copy to: CPM/RE/BZA, SPO/RE/BZA, DEE/TRD/BZA.

Copy to: DEN/RE/BZA, CSTE/RE/BZA, CEE/RE/BZA, SEE/RE/BZA, DEN/RE/BZA, DEE/GS/SS/RE/BZA.

Copy to: SS/RE/BZA, DEN/RE/BZA, Dy.CEE/JHE/RE/BZA, SEE/HQ/RE/BZA, Dy.F/2G/0/RE/BZA.

Copy to: SSE/JHE/BSI, VAT, RJP, SLO, BZA, AK, TUI, and GDR.

Copy to: OS/SRs, L&I, Bills.

Copy to: CLG Members of SCRE Sangh and SCRM Union. and SC/ST Association.

Copy to: Guide File.

...

2

posts under R-3. It is stated that they also got temporary status, in due course. By the impugned order No.B/P.564/II/TRD/Vol.III dated 3.3.97, the three applicants herein are sought to be absorbed as Khalasis in the scale of pay of Rs.750-940 in Electrical/TRD departments of Vijayawada Division on bottom seniority. The names of the applicants stand at Sl.Nos.20, 26 and 46 of the impugned order. The Applicants submit that they are at present in the higher grade of Rs.950-1500 as Fitter (Applicant No.1), Driver (Applicant No.2) and Works Assistant (Applicant No.3). If they are posted as Khalasis in the scale of pay of Rs.750-940 though it is of a permanent nature, it will cause harm to them as their emoluments will drop steeply. They submit that they are entitled to be posted in the same grade in which they are working. No representation in this connection has been filed.

3. This OA is filed for setting aside the impugned order dated 3.3.97 (Annexure II page 13 of the OA) issued by R-2 by holding it as illegal, arbitrary and in violation of Articles 14, 16, 21 and 311 of the Constitution of India and consequently direct the respondents to regularise their services in Grade-C posts as has been done in the case of similarly situated employees with effect from the date they were appointed to the casual posts.

4. The applicants by the impugned order are made regular and they are being absorbed as Khalasis in the regular grade in the open line on the basis of the screening. The applicants do not wish to be posted as

R

D

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

Amesbury - 14

ORIGINAL-APPLICATION-NO. 344 OF-1997

DATE - OF - ORDER : - 24th - March, - 1997

BETWEEN:

1. D. YESUDAS,
2. Ch. SRIKANTH BABU,
3. A. NAGESWARA RAO

AND



APPlicants

1. Union of India, thorough the General Manager, Core (Northern Railways), Allahabad.
2. The Divisional Railway Manager (Personnel), S.C.Railway, Vijayawada,
3. The Chief Project Manager, RE, Vijayawada,
4. The Sr. Personnel Officer, RE, Vijayawada,
5. The Dy. Chief Electrical Engineer, OHE/RE, Vijayawada.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: MRS.C.JAYASREE SARATHY

COUNSEL FOR THE RESPONDENTS:MR. V. BHIMANNA, ADDL.CGSC

CORAM:

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

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

ORDER

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

Heard Mrs.C.Jayasree Sarathy, learned counsel for the applicants and Mr.V.Bhimanna, learned standing counsel for the respondents.

2. There are 3 applicants in this OA. They joined as
Casual Labour Khalasiy in other casual labour Group-D

OFFICE OF THE CPM/RE/BZA
DATE 30-1-97 S/ NO. 671
E S&T W SP II HQ PA

eventually, we do not think that it is fair on the part of the respondents to force them to join as Khalasis in regular category as per the impugned list dated 3.3.93. The applicants though state that some others similarly placed like them were posted against regular posts in the same grade, no such examples have been indicated. Further their cases have to be analysed to see whether similarity exists.

6. The applicants if they are not willing to join in the posts as per the impugned list they should give individual representation within a fortnight from the date of receipt of a copy of this order to the concerned respondents.

6. In the result, the following direction is given:-

The applicants, if so advised, may give individual unwillingness letter to join as Khalasi in the scale of pay of Rs.750-940 in Electrical/TrD) department of Vijayawada Division in terms of the impugned order dt.3.3.97. If such a letter is received within a fortnight from the date of receipt of a copy of this order, then the respondents should not force them to join that post in pursuance of the impugned order. The applicants should be continued in R.E. organisation in the casual capacity in the present post in which they are working. But they stand ^{the} risk of being retrenched if these workcharged posts are made surplus or there is no necessity to operate these posts in the workcharged R.E. organisation. The applicants, if so advised, may apply against the Group-C posts against 20%

3

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(4)

Khalasis but pray for posting them in the grade in which they are working now in open line. The posts similar to the casual posts in which they are working now are to be filled on the basis of the recruitment rules in open line as they are permanent posts. The applicants do not have a vested right to be posted irrespective of the recruitment rules. But they can be posted if they apply for the post whenever advertisement is issued in accordance with the rules and on that basis they can be considered and absorbed if found fit. There is a quota fixed for direct recruitment in all these posts. If such quota exists, then the applicants are at liberty to apply against that quota whenever notified and on the basis of their applications, their eligibility for consideration for the above said posts may be decided by the competent respondent authorities and on that basis a final decision may be taken to absorb them against those posts following the extant rules. Till such time the above process is not completed, they cannot demand as a matter of right to be posted against those open line posts even though they are working as casual labour in similar workcharged posts in the workcharged establishment.

5. The prayer of the applicants to suspend the impugned order dated 3.3.97 is to be considered as a valid one if they are not willing to join that post. Nobody can be forced to join the posts in which they are not happy to join. But that would lead to risk of their being retrenched if the worked charged posts has shrunk and the applicants as per the seniority list is to be reverted. However, as the applicants are prepared for that

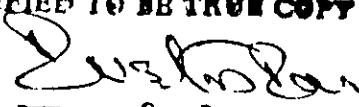
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quota of direct recruitment if available whenever any notification to that effect is issued. If such an application is received in pursuance of the notification issued by the respondents, then the applicants should also be considered along with the others in accordance with the rules.

7. The OA is ordered accordingly at the admission

मानापित श्री
CERTIFIED TO BE TRUE COPY


न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

Regd. No. 1000 (or 1000)
Section Officer (S)

17) Service to be effected
on our side

In the Central Administrative
Tribunal, Hyderabad.

Case No. 809 of 97

©
25/11/97

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Khur
Scopy
16/2/98

Received
16-2-98
C. V. Sekar Babu

Reply Statement filed on
behalf of Respondent.

Filed by: D. Francis Law^f
SC for Rly

(1) Memo of appearance filed
(2) Apprehension counsel is being informed
to do away with any formality.



Address:

D. F. Law^f
SC for Rly

Secunderabad

may be filed
17/11/98

69

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
HYDERABAD

O.A. No. 809 OF 97

DATE OF DECISION: 18.1.99

K. Srihari & 2 others

PETITIONER(S)

GV Sekhar Babu

ADVOCATE FOR THE
PETITIONER(S)

VERSUS
UOI, rep. by GM(Pers.)
SC Rly, Railnelayam, Secunderabad
and another

RESPONDENT(S)

D. F. Paul

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE Mr. R. Rangarajan, M(A)

THE HON'BLE Mr. BS Jai Parameshwar, M(J)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

JUDGEMENT DELIVERED BY HON'BLE Mr. R. Rangarajan, M(A)

3/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.809/97

dated : 18-1-99

76

Between

K. Srihari
D. Govardhana Rao
K. Brahmanandam

: Applicants

and

1. Union of India
rep. by its
General Manager (Personnel)
SC Rly., Rail Nilayam
Secunderabad

2. Chief Project Manager (Personnel)
Railway Electrification
Vijayawada

: Respondents

Counsel for the applicant

: G.V. Sekhar Babu, Advocate

Counsel for the respondents

: D.E. Paul, SC for Rlys.

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)

2

Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn.)

None on either sides.

There are three applicants in this OA. The first applicant was engaged as Mason, the second applicant was engaged as Casual Labour Welder-cum-Gas cutter and the third applicant was engaged as Wireman under Respondent-2 ^{as Casual labour artisan} in the year 1978, 1982 and 1980 respectively. They were brought on Temporary status with effect from 1-1-1984. The applicants submit that they were Trade-tested before they were posted as Casual Labour status Skilled Artisans. The applicants were regularly appointed in Group-D Khalasies in TRD Organisation of BZA by impugned order No.E.252/KSRE/3080/ Screening/Vol.II dated 28-2-1997 (Annex. ~~VI~~ II to the OA). Another order was passed on 24-3-1997 by Respondent-2 posting them as Group-D in the guise of absorption in the Regular scale by reverting them from the higher scales of pay of Rs.950-1500, submits the applicants.

2. This OA is filed to set aside operation of the order dated 24-3-1997 passed by Respondent-2 and also Reversion order No.E.252/KSRE/3080/Screening/Vol.II dated 28-2-97 passed by Respondent-2 by holding them as irregular, arbitrary, malafide, Unconstitutional and for consequential direction to the respondents to continue them in permanent Group-C post regularly as Mason, Welder-cum-Gas Cutter, and Wireman in the scale of pay of Rs.950-1500.

3. No interim order was passed in this OA.

4. A reply has been filed in this OA. The contents of the reply is same as the contents of the reply in OA.18/97.

JR

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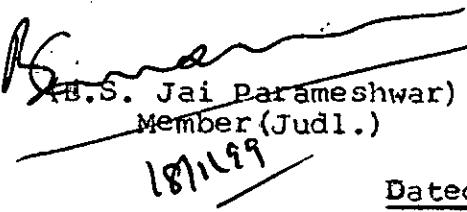
..2.

5. The contentions raised in this OA and the relief asked for are same as contentions raised and relief asked for in the OA.18/97. Hence this OA is also disposed of with the same orders as given in OA.18/97.

6. Hence, the following direction is given :

The applicants if so advised may give their unwillingness to join as unskilled Khalasies in the scale of Rs.750-940 in TrD Department in BZA Division of SC Railway if they have not already joined as Regular Khalasies. If such letters are received within a fortnight from the date of receipt of copy of this order, then the respondents should not force them to join that post in pursuance of the impugned posting order posting them as Regular Group-D Khalasies in BZA Division. The applicants should be continued in RE organisation in casual capacity in the present post in which they are working; but they stand the risk of being retrenched if the work-charged posts made surplus or there is no necessity to operate ^{those} post in the RE organisation. The applicants if so advised may apply against Group-C post against 25% quota of Direct Recruitment if available whenever any notification to that effect is issued in future. If such an application is received in pursuance of the notification issued by the respondents then the applicants should also be considered along with others in accordance with law.

7. The OA is ordered accordingly. No costs.


R.S. Jai Parameshwar
Member (Judl.)

18/1/98


R. Rangarajan
Member (Admn.)

Dated : January 18, 99
Dictated in Open Court

sk

COPY TO:-

1. HON. J.
2. HHRP M(A)
3. HSSP M(J)
4. D.R. (A) ✓
5. SPARE ✓

TYPED BY
COMPARED BY

CHECKED BY
APPROVED, BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D. H. NASIR :
VICE CHAIRMAN

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

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

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (J) ✓

DATED: 18-1-99

ORDER/JUDGMENT

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

In

D.A. NO. 809/97

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

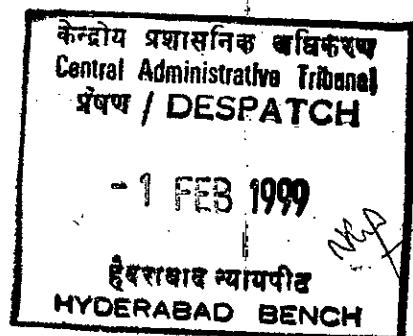
DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

(6 copies)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL E HYDERABAD BENCH

AT: HYDERABAD
M.A. No. 612 of 1997
in O.A. No. 1823 of 1997

Between:

K.Sri Hari, s/o Sitaramaiah, Aged about 40 years, Occ: Carpenter, c/o Inspector of Works/Civil Engineering/ S.C.Railway Railway Electrification/Vijayawada

2. D.Govardhana Rao, s/o Adeiah, Aged about 37 years, Occ:Welder Cum Gas Cutter,c/o Bridge Repair Inspector/Railway Electrification/ S.C.Railway/Vijayawada

3. K.Brahmanandam, s/o Venkata Ratnam, Aged about 37 years, Occ: Wireman, c/o Railway Electrification/S.C.Railway/Vijayawada

....Applicants

and

1. Union of India represented by it's General Manager
R South Central Railway, Rail Nilayam
Secunderabad

2. Chief Project Manager
Railway Electrification
S.C.Railway
Vijayawada

..... Respondents

BRIEF FACTS LEADING TO THE APPLICATION:

It is submitted that the Main O.A. is filed questioning the reversion Orders No.E.252/KSRE/3080/Screening/Vol.II dtd 28-2-97 reverting the applicant from Group-C posts posts of Carpenter, Welder Cum Gas Cutter, and Wireman respectively in Scales Rs.950-1500, to the lower posts of Khalasis in Group-D in Scales Rs.750-940 challeging the same as arbitrary, malafide, illegal and violative of Articles 14, 16 and 311 of the Constitution of India and for setting aside the same and for a consequent direction that the applicants shall be deemed to have been regularised permanently in their respective Group-C posts etc.

*RA. MA (contd.)
G. Recd 25/6/97
CLAS 25/6/97*

2. All the applicants belong to the Vijayawada division and

Style of Petn

~~THE C. A. T.~~

AT HYDERABAD

N.A. No. of 1997

O.A. No. 1823 of 1997

K. Srihari ..Applicant
2. others

v.
Union of India. Reptns.



Common OA PETITION

Filed by: *Day & Month*
G.V. SEKHAR BABU
25/6/97

Counsel for Applicant

and the cause of action is against the and respondents which is one and the same and hence to permit the applicants to file a common O.A. . Hence the present M.A. is filed.

P R A Y E R: It is therefore prayed that this Hon'ble Tribunal may be pleased to permit the applicants to file a common O.A. for the applicants herein and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper under the circumstances of the case.

VERIFICATION

I, K.Srihari, s/o Sitaramaiah, Aged about 40 years, Occ: Carpenter, c/o Inspector of Works/Civil Engineering/RE/S.C.Railway/ Vijayawada do hereby verify that the contents of the above paras are true to my personal knowledge and that I have not suppressed any material facts. I am filing this M.A. on my own behalf and as well as on behalf of other applicants herein who authorised me to do so.

K.Sri Hari

SIGNATURE OF THE APPLICANT

Hyderabad

Date: 24-6-1997

G.V. Sekhre

COUNSEL FOR THE APPLICANT

M.A 612/97 in o.A.S.R 1823/97

मुख्य/ORIGINAL

30-6-97

None for the applicant.
Sri D.F.Paul for respondents. Under the circumstances referred to, the MA is allowed as it is not opposed. Register the OA if it is otherwise in order and list it for admission on 1-7-97.

HBS SP
M(S)

HRAN
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD: BENCH
मुख्य कार्यालय/BENCH CASE रेलवे/RAILWAY

M.A.... 612... of 1997

IN

O.A.S.R. 1823 of 1997

PETITION FOR SEEKING PERMISSION TO ADDITIONAL APPLICATION IN A SINGLE APPLICATION

AND

Mr. G.V. Sekhar Babu
COUNSEL FOR THE APPLICANTS

AND

Mr. D.F. Paul
Sr. ADDL. STANDING COUNSEL
FOR C.G. RLYS.