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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 10.08.2000

OA No.171/1994

1. Rafiq Mohd. S/o Sadiq Mohd., Blacksmith IOW (C) Office, Western Railway, Jaipur
2. Bhanwarlal S/o Shri Bheru, Blacksmith, PWI (C) office, Phulera, Western Railway, Jaipur.
3. Rameshwarlal S/o Shri Ramdhan, Carpenter, IOW(C) office, Jobner PO Assalpur, Western Railway, Jaipur Division, Jaipur.

.. Applicants

Versus

1. Union of India through the General Manager, Western Railway, Headquarter Office, Churchgate, Mumbai
2. The Chief Engineer (Construction), Western Railway, Jaipur
3. The Senior Divisional Engineer, Western Railway, Jaipur.
4. Inspector of Works, Jobner, Western Railway, Jaipur.
5. PWI (Construction), Phulera, Western Railway, Phulera.

.. Respondents

Mr. P.V.Calla, counsel for the applicants.

Mr. Manish Bhandari, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. S.K.Agarwal, Judicial Member

In this Original Application, the main relief sought by the applicants is to regularise the applicants in Class-III

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posts and order of reversion passed to regularise the applicants in Class-IV posts of Gangman in the pay scale of Rs. 775-1025 be quashed.

2. In brief, the case of the applicants is that applicants were originally appointed in Class-III posts and worked for 13 years continuously on Class-III posts but they have been regularised/absorbed in Class-IV posts as Gangmen which is lower in category. Therefore, applicants have filed this OA for the reliefs as above.

3. Reply was filed. In the reply it has been stated clearly that applicants have been engaged as Casual Labour and were working as Blacksmith and Carpenter. It is also stated that applicants were granted temporary status on their completion of qualifying days of working but after screening applicants were regularized against Class-IV posts as regularisation in Class-III posts is not permissible.

4. Heard the learned counsel for the parties and also perused the whole record.

5. It is an admitted fact that applicants were initially engaged as Casual Labour in the year 1981 and they were screened on 26.10.1993 and regularised on the post of Gangmen as Class-IV in the Railways.

6. In Jamna Prasad and ors. v. Union of India and ors. 2000 (1) SLJ CAT FB New Delhi page 512 it was held by the Tribunal that Casual Labour in Railways can be regularized in Group-D only. Merely that applicants were given temporary status does not confer any right to the applicants to be

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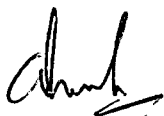
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regularised in Group-C posts, as rules provide to fill up Group-C posts by proper recruitment or by promotion amongst Group-D employees. Therefore, in our considered view, applicants have no case for regularisation in Group-C posts. However, applicants are entitled to protection of pay which the applicants were getting at the time of regularisation in Group-D posts.

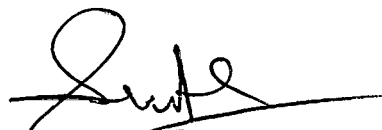
7. We, therefore, dispose of this Original Application with the observation that applicants are not entitled to regularisation against Group-C posts. However, the pay of the applicants shall be protected as they were getting at the time of regularisation in Group-D posts. This order shall not preclude the respondents to take work from the applicants of Group-C posts till they are promoted on Group-C posts against 25% quota. No order as to costs.

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(N.P. NAWANI)

Adm. Member



(S.K. AGARWAL)

Judl. Member

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