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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH, JAIPUR.

O.A.No.530/95

Date of order: 2.12.1997

Hanuman

: Applicant

Vs.

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Sr.Divisional Engineer (H.Q),Western Railway, Kota Division, Kota.
3. Chief Permanent Way Inspector, Indergarh Surerganj Mandi, Distt.Bundi, Western Railway.

...Respondents.

Mr.Shiv Kumar - Counsel for applicant

Mr.Manish Bhandari - Counsel for respondents.

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr.O.P.Sharma, Administrative member.

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Shri Hanuman has filed this application under Section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents to regularise/absorb him on the vacant post of Carpenter according to the rules with all consequential benefits.

2. The facts giving rise to this application are as follows. The applicant was initially appointed as casual Gangman at Indergarh on 21.1.1984. He was actually employed to work as a Carpenter. His pay was fixed in the scale Rs.260-400/950-1500 w.e.f. 21.10.1984. The applicant is presently employed at Indergarh. He was subjected to trade test for the post of Carpenter Gr.III scale Rs.950-1500(RP) vide letter dated 2.3.1988 at Anxx.Al. The applicant has cleared the trade test. The applicant has also been enjoying the benefit of pay fixation, increments, etc. for the post of Carpenter. However, the applicant was ~~been~~ ordered to be reverted from the post of Carpenter scale Rs.950-1500 to that of Gangman scale Rs.775-1015/800-1150 vide letter dated 17.4.1992. The applicant then challenged the aforesaid reversion order before this Tribunal. The order of the reversion was set aside by the Tribunal by an order dated 24.11.94 passed in O.A No.143/92. It is contended by the applicant that since he has already ~~been~~ passed the trade test for the post of Carpenter and he has been working on that post for the last about 11 years he is fully eligible for regularisation on the said post. On the otherhand, the ~~Ch~~ respondents have stated that the applicant is only a casual

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labour whose services are yet to be regularised on a Group-D post and only after his regularisation on the said post ~~that~~ his case for promotion would be considered in accordance with his seniority position. It is also stated by the respondents that the applicant has erroneously claimed his regularisation directly on a Group-C post after ignoring the rights of persons senior to him.

3. We have heard the learned counsel for the parties and have carefully perused the records.

4. The learned counsel for the applicant has drawn our attention to a circular dated 9.4.1997 issued by the Railway Board on the subject of regularisation of casual labour working in Group-C scales and has urged that the case of the applicant may be considered by the respondents in terms of the said circular at Annex.A7 dated 9.4.1997 which was filed by the applicant alongwith M.A, No.315/97 and the same was taken on record. Para 3 of the Railway Board's circular referred to above, which is relevant, may be extracted as follows:

"The question of regularisation of the casual labour working in Group-C scales has been under considerations of the Board. After careful consideration of the matter, Board have decided that the regularisation of casual labour working in Group-C scales may be done on the following lines:-

i) All casual labour/substitutes in Group-C scales whether they are Diploma Holders or have other qualifications, may be given a chance to appear in examinations conducted by FFB or the Railways for posts as per their suitability and qualification without any age bar.

ii) Notwithstanding (i) above, such of the casual labour in Group-C scales as are presently entitled for absorption as skilled artisans against 25% of the promotion quota may continue to be considered for absorption as such.

iii) Notwithstanding (i) and (ii) above, all casual labour may continue to be considered for absorption in Group-D on the basis of the number of days put in as casual labour in respective units."

5. It is true that the applicant has been discharging the duties of a Carpenter continuously from 01.10.1984. He has also passed the trade test for the post of Carpenter. In the ~~circumstances~~ circumstances it would be expedient in the interest of justice

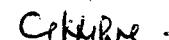
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if the applicant's case for regularisation is considered in terms of the provisions contained in para 3 of the aforesaid circular of the Railways Board, reproduced above.

6. In the result, this application is disposed of with a direction to the respondents to consider the applicant's case for regularisation/absorption in Group-C post as prayed for by him in terms of the provisions contained in para 3 of the circular dated 9.4.1997, at Annex A7, subject to the availability of vacancies as per his turn and seniority, as expeditiously as possible. No order as to costs.


(O.P. Sharma)

Administrative Member.


(Gopal Krishna)
Vice Chairman.