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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.534/95

Date of order: 2.12.1997

Abdul Gani

: Applicant

Vs.

1. Union of India through General Manager, Western Railway, Churchgate, Bombay.
2. Senior Divisional Engineer (HQ), 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.

PEP HON'BLE Mr.GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Abdul Gani has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, assailing the impugned order at Annx.A1 dated 14.9.1995 by which he was advised that the work for which he was casually engaged as Blacksmith has since been exhausted. There was no need of the applicant to work as casual Blacksmith. The applicant has also prayed for a direction for his regularisation/absorption in the vacant post of Blacksmith according to rules with consequential benefits.

2. The facts of the case are as follows. The applicant was appointed as casual Blacksmith at Indergarh on 21.12.1983. He was granted temporary status on 16.12.1984. The post of Blacksmith is a Group-C post and it carries the pay scale of Rs.950-1500. The applicant has been paid for the post of Blacksmith ever since his appointment. He was subjected to trade test for the post of Blacksmith Gr.III, scale Rs.950-1500 (RP). However, he was reverted from the post of Blacksmith scale Rs.950-1500 to that of a Gangman scale Rs.775-1015/800-1150 vide letter dated 17.4.1992. The applicant challenged the reversion order by filing an application before this Tribunal. The reversion order was set aside by an order of this Tribunal dated 24.11.1994 in O.A No.142/92 (Annx.A4). The grievance of the applicant is that the respondents have been filling up the vacant post of Blacksmith scale Rs.950-1500 by promoting the Group-D employees and several posts have been filled-up after the appointment of the applicant. Since the applicant has

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passed the trade test for the post of Blacksmith, it is contended that he is fully eligible for regularization on the said post. On the otherhand the respondents have stated that the applicant who has not been regularized in a Group-D post had erroneously been trade tested in violation of the rules. It has also been stated by the respondents that the employees who have been promoted vide order Annx.A5 are those who were due for such appointment as per rules being the regular appointees and were eligible for promotion as per their seniority position. Therefore, the applicant cannot ~~be~~ compare his case with those persons who stand on a better footing than the applicant.

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 regularization 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 Annx.A5 dated 9.4.1997 which was filed by the applicant alongwith M.A, No.319/97 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 regularization 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 regularization 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 RRB 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

Ckily Group-D on the basis of the number of days put in as

casual labour in respective units."

5. In the circumstances it would be in the interest of justice if the applicant's case for regularisation is considered in terms of the provisions contained in para 3 of the aforesaid circular of the Railway Board, reproduced above.

5. 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 XXXXX~~, 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.