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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIFUR BENCH,

JAIPUR

CA No.203/97

Date of order: 2.2.1998

Pokar Mal at present working as Driver, office of the I.O.W.(C II), Western Railway, Jaipur

.. Applicant

Versus

1. The Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. C.F.M. (C), Western Railway, Opposite Railway Hospital, Jaipur.
3. Chief Accounts Officer (C), Western Railway, Churchgate, Mumbai.
4. D.R.M., Western Railway, Jaipur.

.. Respondents

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

Mr. T.P.Sharma, counsel for the respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman

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

ORDER

Per Hon'ble Mr. Gopal Krishna, Vice Chairman

Applicant, Pokar Mal, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to regularise his services on any post in Group-C category.

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

3. The applicant's case is that he was appointed in the month of June, 1983 as Motor Vehicle Driver on daily wages by the Assistant Engineer (C), Phulera in the Western Railway. Sometime in the year 1985, the applicant was transferred to ~~Chittor~~ Jaipur and he has since then been working at Jaipur. The

learned counsel for the respondents has stated before us that the applicant is presently drawing pay in the scale Rs. 950-1500. In view of this fact, the learned counsel for the applicant has drawn our attention to paragraph 3 of the Railway Board's instructions dated 9.4.1997 at Ann.A5 which reads as under:

"3. The question of regularisation of the casual labour working in Group 'C' scales has been under consideration of the Board. After careful consideration of the matter, Board have decided that the regularisation of casual labour working in Group 'C' scale 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 Group-D on the basis of the number of days put in as casual labour in respective units."

4. Item (ii) clearly provides that the casual labours working against Group-C post can be considered for absorption against Group-C posts. Of course this has to be done in accordance with the seniority position of the persons claiming Chukre absorption against these posts. Vacancies have also to be

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available in order that they can be absorbed against Group-C posts directly against the 25% promotion quota.

5. In the circumstances, we direct that the respondents shall consider the applicant's case for regularisation against any Group-C post against 25% promotion quota, if the applicant is found to be senior enough and he falls within the zone of consideration depending upon the availability of vacancy as per rules in the light of the provisions contained in item 3 of the Railway Board's instructions dated 9.4.1997 referred to above.

5. The OA stands disposed of accordingly at the stage of admission. No order as to costs.

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(O.P.Sharma)

Administrative Member

Gopal Krishna
(Gopal Krishna)

Vice Chairman