

(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.A.No.434/97

Date of order: 2.2.1998

Vetival : Applicant

Vs.

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Dy.Chief Engineer (Construction), Western Railway, Ajmer.
3. Divisional Railway Manager, Western Railway, Rajkot Division, Rajkot.

...Respondents.

Mr.J.K.Kaushik - 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 Vetival has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, seeking direction to the respondents to consider him for regularization on the post of Painter in Group-C. The applicant has also prayed that the respondents may be directed to protect the present pay of the applicant.

2. We have heard the learned counsel for the parties and have perused the material on record. The counsel for the parties have agreed that the matter may be disposed of at the stage of admission.

3. The applicant's case is that he was appointed as casual Painter at Surendernagar in Group-C on 20.7.1979 in Rajkot Division. He was granted temporary status w.e.f. 1.1.1984. He has also been subjected to the screening test for the post of Painter which falls in Skilled Artisan Category. The applicant's grievance is that he is being transferred to a Group-D post on regularisation therein, without any transfer allowance and without any joining time. The respondents have stated that the applicant is not entitled to regularization in Group-C post. The learned counsel for the applicant has drawn our attention to the instructions of the Railway Board dated 9.4.1997 at Annexure-AC, Para 3 of which reads as follows:

"3. 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.

G.Kishore

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. The applicant's case falls within the ambit of item (ii) of para 3 of the Railway Board's instructions dated 9.4.97 referred to above.

5. In the circumstances we direct ~~xxx~~ the respondents to consider the case of the applicant for regularisation against Group-C post of Painter against 25% promotion quota if he is found to be senior enough and if he falls within the zone of consideration depending upon the availability of vacancies, as per rules. With regard to the prayer for protection of pay, the applicant may make a representation to the respondents who will consider it in accordance with the rules. As regards grant of transfer allowances, joining time, etc. for movement on transfer, the allowances may be granted to the applicant as admissible under the rules.

6. The O.A is disposed of accordingly with no order as to costs.

(O.P.Sharma)

Administrative Member.

Gopal Krishna
(Gopal Krishna)

Vice Chairman.