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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 11.7.2000

OA 446/97

Abdul Waheed, TS Mechanic under Chief Signal Inspector (C), Western Railway, Kota.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Dy.Chief Signal & Telecom Engineer (C), Western Railway, Kota.
3. Dvl.Rly.Manager, Western Railway, Kota Division, Kota.

... Respondents

CORAM:

HON'BLE MR.S.K.AGAPWAL, JUDICIAL MEMBER

HON'BLE MR.S.BAFU, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.J.K.Kaushik

For the Respondents

... Mr.Hemant Gupta, proxy counsel for  
Mr.M.Rafiq

O R D E R

PER HON'BLE MR.S.K.AGAPWAL, JUDICIAL MEMBER

In this OA filed u/s 19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the order dated 25.9.97 and to direct the respondents to consider the candidature of the applicant for regularisation/absorption on the post of Mechanic in Group-C, and a further direction to the respondents to protect the pay of the applicant on his absorption/regularisation.

2. In brief the facts of the case, as stated by the applicant, are that the applicant was initially appointed as casual mechanic in Group-C under IOW Bundi on 21.9.85 in Kota Division of the Western Railway. The applicant was conferred temporary status w.e.f. 21.9.86 vide letter dated 12.3.87. Thereafter, the applicant was transferred to a number of places in different projects of the Railways on the same post of Mechanic, which is Group-C post, in the pay scale of Rs.950-1500. It is stated that the applicant has been discharging the duties of Group-C post but he was not regularised on the post of Mechanic as per rules. He has referred para 159 of the IREM Volume-I, 1989 Edition, and para 2007 of the IREM and submitted that the applicant, in view of the provisions given as above, is entitled to regularise on Group-C post in the pay scale of Rs.950-1500 but the respondents have absorbed him on Group-D post vide impugned order dated

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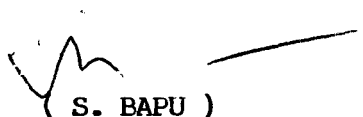
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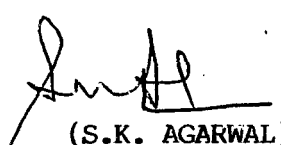
may be screened in 'C' category and regularised.

- (iii) Railway casual labour attaining temporary status entitled to pensionary benefits."

On perusal of the judgement, as referred to above, we are of the opinion that the applicant is entitled to the protection of pay as mentioned above.

9. We, therefore, dispose of this OA with the direction to the respondents to protect the pay of the applicant in view of the judgement of Hon'ble the Supreme Court in Ram Kumar's case cited supra. This judgement shall not preclude the respondents to permit the applicant to work as casual ~~worker~~<sup>mechanic</sup> in the pay scale of Rs. 950-1500 (old), as now it is revised, till he is promoted for Group 'C' post against the promotion quota. No order as to costs.

  
(S. BAPU )  
Adm. Member

  
(S.K. AGARWAL)  
Judl. Member