

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.305/2000

Date of order:05.12.2000

Allanoor, S/o Shri Jiauddin, working on the post of
Khallasi, O/o Permanent Way Inspector, South, W.Rly,
Gangapur City, Kota Division, Kota.

...Applicant.

Vs.

1. The Union of India through the General Manager, Western
Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager, W.Rly, Kota Division, Kota
Mr.P.V.Calla - Counsel for applicant.
Mr.R.G.Gupta - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member.

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

In this O.A filed under Sec.19 of the Administrative
Tribunals Act, 1985, the applicant makes a prayer to direct
the respondents to fix the applicant in the pay scale Rs.950-
1500 and treat him as a Group-C employee as has been done in
the case of Shri Ram Sahai.

2. The learned counsel for the applicant submits that this
O.A may be disposed of in view of the order passed in O.A
No.495/97, Ram Sahai Vs. UOI & Anr, decided on 13.11.2000.

3. Heard the learned counsel for the parties and also
perused the whole record.

4. It appears that the applicant was initially appointed as
Casual Labourer Mason and was placed in the pay scale of
Group-C post. It also appears that the applicant was screened
and regularised in Group-D post. The main contention of the
learned counsel for the applicant has been that the applicant
is entitled to pay protection in the scale Rs.950-1500 as was
receiving at the time of regularisation and referred Annx.A

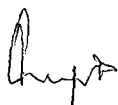
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in support of his contention.

5. It is settled principle of law that a casual labourer in Railways can be regularised only against a Group-D post and not against a Group-C post. The applicant has been screened and regularised in Group-D post however he is entitled to protection of pay which he was drawing on the date of his regularisation in Group-D.

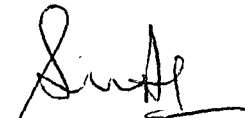
6. In view of the order passed in O.A No.495/97, Ram Sahai Vs. UOI & Anr, decided on 13.11.2000 and the recent Full Bench views of this Tribunal and the facts and circumstances of this case, we direct the respondents to protect the pay of the applicant as he was drawing at the time of his regularisation in Group-D Post.

7. We dispose of the O.A accordingly with no order as to costs.



(A.P.Nagrath)

Member (A).



(S.K.Agarwal)

Member (J).