

Central Administrative Tribunal
Jabalpur Bench

Circuit Sitting at Indore

OA No.304/04

Gwalior, this the 13th day of September, 2005.

C O R A M

Hon'ble Mr. M.P. Singh, Vice Chairman

Hon'ble Mr. Madan Mohan, Judicial Member

Chander Singh
S/o Pratap Baria
Khalasi
Working under Chief Signal Inspector
Dakod.

Applicant

(By advocate None)

Versus

1. Union of India through
The General Manager
Western Railway, HQ Office
Churchgate, Mumbai.

2. The Divisional Rail Manager
Western Railway
Do-Batti
Ratlam.

Respondents.

(By advocate Shri Anand Pathak)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

- (i) Direct the respondents to absorb and regularize the applicant as Class III employee in his respective designation from the date of his being rendered surplus in the Railway electrification Project with consequential benefits including seniority.
- (ii) Direct the respondents to protect his pay and pay scale.



2. The brief facts of the case are that the applicant was recruited as Mason on 4.10.84 in the pay scale of Rs.950-1500 in Group-C category in Railway Electrification Project. On account of his regular annual increments, his pay in the year 1988 reached Rs.1090/- On being rendered surplus, the applicant was reverted as Khalasi/Mason in the scale of pay of Rs.750-940 and his pay was reduced to minimum of Rs.750/- (Annexure A1). He is at present working as Khalasi/Mason. Against this reversion as well as reduction in his pay scale, the applicant submitted representations to the Railway authorities but no fruitful result has emerged. Hence this OA is filed.

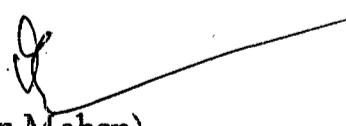
3. None is present for the applicant. Hence the provisions of Rule 15 of CAT (Procedure) Rules, 1987 are invoked.

4. Heard learned counsel for the respondents. He argued that the Railway Electrification Project is a temporary project and the applicant was engaged as a casual labour. He might have been given temporary status, but he was never a regular employee of the department appointed against a vacant post. The applicant has not attached any document pertaining to his initial appointment or any order to the effect, which may suggest his status in the department. After the closure of the Electrification Project, the applicant could not claim any right for absorption or for regularization to any permanent post. The respondents have made a policy as provided in Rule 2001 to 2007 of IREM (Annexure R1) as well as it is further clarified by the Railway Board vide Annexure R2. The casual labour of such temporary project may be appointed as Class IV on a routine and regular basis and if any such employee has already passed trade test while in such project, 25% of the vacancy in Class III may be filled in trained skilled artisans without any further trade test. The absorption in the Open Line cadre in Class III Category is to be done by the screening committee as per rules after being successfully passed by the screening committee, the employee gets regular appointment in Open Line Group-D. The applicant himself knew this fact very well that he is to be regularized on the post of Khalasi Gangman and he is a

Mason on casual basis and that too in the Rural Electrification Project. The applicant has been paid regular salary for the work he discharged in the project. Therefore, he cannot now agitate his grievance regarding salary, pay scale or arrears in any manner. Similarly, he is not entitled for any appointment on Class III category in Open Line Cadre. Hence the action of the respondents is perfectly legal and justified.

5. After hearing learned counsel for the respondents and carefully perusing the records, we find that the applicant was engaged as a casual labour in the railway Electricity Project, which was a temporary project. He was never a regular employee in the respondent department. The argument advanced on behalf of the respondents is that according to Rule 2001 to 2007 of IREM (Annexure R1) and according to the circular of the Railway Board (Annexure R2), The casual labour of such temporary project may be appointed as Class IV on a routine and regular basis and if any such employee has already passed trade test while in such project, 25% of the vacancy in Class III may be filled in trained skilled artisans without any further trade test. The applicant has not passed any trade test during the period of his service in the temporary project. Hence the aforesaid argument seems to be legally correct. The applicant has failed to show any appointment letter in support of his contention to the effect that he is a regular employee of the respondent department.

6. In conspectus of the above facts and circumstances of the case, we are of the considered view that the OA has no merit. Accordingly the OA is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman