

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 288 of 1998

Jabalpur, this the 30th day of June 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Kishanlal Ahirwar son of
Lalji Ahirwar aged about
46 years, resident of Ladhiana, Tagore Ward,
Khurai, District Sagar, Madhya Pradesh :

Occupation : Mason Central Railway
Bhopal

APPLICANT

(By Advocate - Ms. Vandna Shrivastava holding brief of
Shri K.S. Wadhwa)

VERSUS

1. Union of India, through the Secretary
Ministry of Railways, Govt. of India,
New Delhi.
2. General Manager, Central Railway,
Bombay, V.T.
3. Divisional Railway Manager,
Bhopal Division Bhopal.
4. District Signals Telecom Engineer,
Railway Electrification,
Katni (M.P.)

RESPONDENTS

(By Advocate - Shri M.N. Banerjee)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

By this original Application the applicant has claimed regularisation in the pay scale of Rs. 3050-4590/- which is a Group-C scale in terms of the earlier decision of this Tribunal in OA No. 621/HR/96, decided on 19th August, 1997.

2. The brief facts as contained in the original application is that the applicant was initially appointed as Casual Khalasi (Grade-D). The applicant


was called upon for screening and was subsequently brought as Masson in the pay scale of Rs. 950-1500/-. The applicant was also granted temporary status as per Annexure R/1, dated 26/10/1989 in the pay scale of Rs. 950-1500/-. Subsequently the applicant was regularised in the Group-D post and the pay of the applicant was reduced. The grievance of the applicant is that he should be regularised against a Group-C post and atleast the pay which the applicant was getting earlier, be protected.

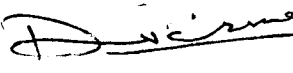
3. The learned counsel for the respondents Shri M.N. Banerjee, Standing Counsel for the Railway has made his submission in the absence of Shri N.S. Ruprah, Counsel for the respondents. Respondents submission is that though the applicant was granted temporary status vide order dated 26.10.1989 against^a Group-C post in the scale of Rs. 950-1500/-, but it was also mentioned in the order that in case of absorption in open line the applicant will be considered for absorption only as Khalasi/Gangman in Class IV category. The submission is that subsequently by an absorption order No. 38/1997 (Annexure R/2) the applicant was regularised as Gangman in the pay scale of Rs. 775-1025/- vide order dated 7/8.8.1997 in Grade-D category.

4. The counsel for the parties have been heard at length. The learned counsel for the applicant has claimed benefit of the decision of the Division Bench of this Tribunal in OA No. 621/HR/1996, decided on 19th August, 1997, whereby a direction was given

that the applicant therein shall be regularised though working in Group-C after screening them in Group-D category, but will protect their pay and allowances until they are promoted to Group-C category. It was also observed that as far as working in Group-C for five years, they will be screened in Group-C category and absorbed against such posts.

5. In our view however the issue now finally rests with the decision of the Apex Court in the case of Union of India Vs. Moti Lal, 1996SCC(L&S)613, which was followed in by the Full Bench of this Tribunal in Aslam Khan Vs. Union of India, 2001(2)ATJPage1, wherein it has been held that even if temporary status have been granted against a Group-C post, regularisation can only be against Group-D post. However on regularisation on a Group-D post the pay as was being drawn before regularisation shall be protected and shall not be reduced. Following the above decisions, the Original Application stands partly allowed so far the protection of pay is concerned, but the relief claimed for absorption against a Group-C post stands rejected. The respondents are directed to protect the pay of the applicant with effect from the date of absorption on a Grade-D post and to calculate and pay the arrears within a period of 3 months from the date of communication of this order. The Original Application stands decided accordingly.


(Anand Kumar Bhatt)
Administrative Member


(D.C. Verma)
Vice Chairman (J)

पृष्ठंकन सं ओ/न्या.....जयलपुर, दि.....
पतिनिधि अको से प्राप्त -

- (1) सचिव, उच्च न्यायालय, जयलपुर
- (2) अध्यक्ष (श्री/श्रीमती).....के काउंसिल
- (3) प्रवर्धी श्री/श्रीमती.....के काउंसिल
- (4) अध्यक्ष, कोप्रज, जयलपुर जयलपुर
संबन्ध एवं आवश्यक कार्यवाही हेतु

X-S-wadhwa
M-N-Bareilly

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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

ORIGINAL APPLICATION NO.288 of 1998

Jabalpur, this the 31st day of March, 2003.

Hon'ble Mr. Shanker Raju, Member (Judicial)
Hon'ble Mr. R.K. Upadhyaya, Member (Admnv.)

Kishanbal Ahirwar son of Lalji Ahirwar
aged about 46 years, resident of
Ladhiana, Tagore Ward, Khurai, District
Sagar, Madhya Pradesh.
Occupation- Mason, Central Railway,
Bhopal.

-APPLICANT

(By Advocate- None)

Versus

1. Union of India through
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Govt. of India, New Delhi.
2. General Manager,
Central Railway, Bombay V.T.
3. Divisional Railway Manager,
Bhopal Division, Bhopal.
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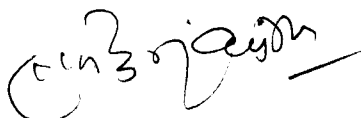
-RESPONDENTS

(By Advocate- Mr. S.P. Sinha for
Mr. N.S. Ruprah)

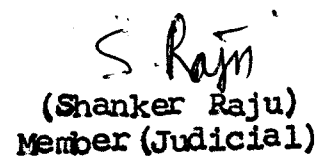
ORDER (ORAL)

By Shanker Raju, Member (Judicial):

On 14.2.2003 none appeared on behalf of the
applicant. Today also nobody is present on behalf of the
applicant. It appears that the applicant has no interest
in prosecuting this case. Accordingly, this O.A. is
dismissed for non-prosecution.



(R.K. Upadhyaya)
Member (Admnv.)



(Shanker Raju)
Member (Judicial)

