

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1177/2002

Friday, this the 3rd day of May, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Bireswar Singh
S/O Late Shri Shiv Murti Singh
C/O Shri Ravinder Singh
Railway Quarter No.10-B
Officers Colony
Tilak Bridge
New Delhi

..Applicant

(By Advocate: Shri Anil Surhawardy)

Versus

1. Union of India
through its General Manager
Northern Railway
Baroda House
New Delhi
2. Senior Divisional Manager's Office
Northern Railway
Varanasi

..Respondents

O R D E R (ORAL)

Justice Ashok Agarwal:

Applicant was initially engaged as Mobile Booking Clerk during the period 1.5.1978 to 31.7.1978 only for a period of three months. He has, in the circumstances, not been found eligible for reengagement and for regularisation as he had not put in three years of service prior to 14.8.1981 in terms of the order of the Tribunal of 28.8.1987 in OA-1174-A/86 at Annexure A-2. Direction contained in the aforesaid order, in our view, is clear and unambiguous. The same provides as under:-


"11. In view of the above discussion, the application is allowed. The instructions conveyed in communication dated 15.12.1986 (Annexure A2) regarding discharge of Mobile Booking Clerks in so far as it relates to the applicants is

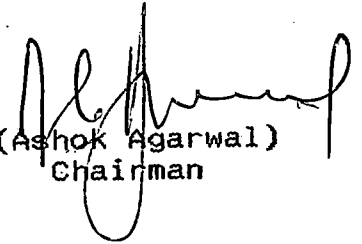
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(2)

hereby quashed. It is further directed that all the applicants herein who were engaged on or before 17.11.1986 shall be regularised and absorbed against regular posts after they have completed three years of service from the date of their initial engagement subject to their fulfilling all other conditions in regard to qualifications etc. as contained in circulars dated 21.4.1982 and 20.4.1985. The parties shall bear their own costs."

2. In view of the fact that the applicant has put in only three months of service and not the requisite period of three years of service, his claim for regular absorption has been rejected by the impugned order passed on 8.1.2001. We do not find that any exception can legitimately be raised against the aforesaid impugned order at Annexure A-1. Present OA, in the circumstances, we find, is wholly devoid of merit and the same is accordingly dismissed in limine.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/