

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.822 OF 2002

New Delhi, this the 4<sup>th</sup> day of November, 2003

HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Shri Aslam Pravez,  
Khalasi in the canteen of Rly. Catering  
Parliament House Annexe, New Delhi.

AND 153 others as mentioned below:-

1.	Sh. Mahesh Kumar	Sh. Nandlal	01.12.82	PH *
2.	Sh. Roop Lal	Sh. Ram Prakash	01.12.82	PH
3.	Sh. Raj Kishor	Sh. Jai Kishan	01.12.82	PH
4.	Sh. Raghuvir Singh	Sh. Gulab Singh	21.09.88	PH
5.	Sh. Mohan Singh	Sh. Govind Singh	05.11.83	PH
6.	Sh. Ram Sawroop	Sh. Sumiram	01.07.83	PH
7.	Sh. K.Satyavel	Sh. E.Krishapan	01.12.82	PH
8.	Sh. Chadeswar Mandal	Sh. Ram Sewak	01.12.82	PH
9.	Sh. Ramji Lal	Sh. Meva Lal	01.09.86	PH
10.	Sh. Prem Singh	Sh. Khushal Singh	01.12.82	PH
11.	Sh. Kuseswar Rai	Sh. Ramjulam Rai	21.03.84	PH
12.	Sh. Pratap Singh	Sh. Hari Singh	01.12.82	PH
13.	Sh. Ram Kumar	Sh. Mouji Ram	11.09.91	PH
14.	Sh. Ishwar Singh	Sh. Reshal Singh	21.09.86	PH
15.	Sh. Ayub Ansari	Sh. Doman Aansari	01.07.83	PH
16.	Sh. Om Prakash	Sh. Hari Singh	04.04.90	PH
17.	Sh. Prem Vallabh	Sh. Nanda Vallabha	01.12.82	PH
18.	Sh. Maha Veer	Sh. Mohan Lal	29.09.89	PH
19.	Sh. Kuber Singh	Sh. Kaushal Singh	21.06.85	PH
20.	Sh. Md. Salim	Sh. Abdul Hamin	01.12.82	PH
21.	Sh. Rajender Prasad	Sh. Budan Prasad	06.06.85	PH
22.	Sh. Vikram Singh	Sh. Mukand Singh	01.12.82	PH
23.	Sh. Bhopal Singh	Sh. Sher Singh	01.12.82	PH
24.	Sh. Sawminathan	Sh. Mottunadar	01.12.82	PH

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Sl. No.	Name	Father Name	DOTS	Unit
25.	Sh. Chandradutt	Sh. Kishan Nand	01.12.82	PH
26.	Sh. Kishan Nand	Sh. Jai Narayan	01.12.82	PH
27.	Sh. Ghan Shyam	Sh. Munna	21.09.86	PH
28.	Sh. Bhuwan Chander	Sh. Anand Vallabh	01.10.82	PH
29.	Sh. Shiv Charan	Sh. Soudan	01.12.82	PH
30.	Sh. Nanda Vallabh	Sh. Devi Dutt	01.12.82	PH
31.	Sh. Ashok Kumar	Sh. Gajraj Singh	01.12.82	PH
32.	Sh. Aslam Parvez	Md. Quddus	01.12.82	PH
33.	Smt. Prabha Khanna	Sh. Pramod Khanna	01.07.83	PH
34.	Sh. Harman Singh	Sh. Sant Ram	01.12.82	PH
35.	Sh. Darshan Singh	Sh. Darban Singh	13.06.85	PH
36.	Sh. Bhem Singh	Sh. Fateh Singh	21.06.85	PH
37.	Sh. Pawan Kumar	Sh. Sant Ram	01.10.82	PH
38.	Sh. Dhani Ram	Sh. Moos Ram	01.01.84	PH
39.	Sh. Badri Ram	Sh. Mayadittaram	01.12.82	PH
40.	Sh. Govind Singh	Sh. Dewan Singh	01.12.82	PH
41.	Sh. Jai Singh	Sh. Keser Singh	01.12.82	PH
42.	Sh. Tang Vell	Sh. Chillamuthu	01.12.82	PH
43.	Sh. Gyarsa	Sh. Kalyan	15.11.84	PH
44.	Sh. Munnal Lal	Sh. Tuka Ram	01.12.82	PH
45.	Sh. Vachashpati	Sh. Bamdev	01.12.82	PH
46.	Sh. Ravinder Singh	Sh. Udham Singh	06.10.80	PH
47.	Sh. Balam Singh	Sh. Bhagchand Singh	01.07.83	PH
48.	Sh. Churamai Thapa	Sh. Man Bahadur	26.01.90	PH
49.	Sh. Anand Kumar	Sh. Ganga Dhar	01.09.86	PH
50.	Sh. Govind Singh	Sh. Jagat Singh	01.12.82	PH

*Chandradutt*

<u>SL. No.</u>	<u>Name</u>	<u>Father Name</u>	<u>DOTS</u>	<u>Unit</u>
51.	Sh. Anand Singh	Sh. Mohan Singh	01.02.83	PH
52.	Sh. Surender Singh	Sh. Kunwer Singh	01.08.83	PH
53.	Sh. Jagdamba Prasad	Sh. M.N. Joshi	17.08.88	PH
54.	Sh. Amar Nath Dogra	Sh. Jagat Ram	01.12.82	PH
55.	Sh. Amar Nath Bhatia	Sh. Buxi Ram	01.12.82	PH
56.	Sh. Mohan Chand Joshi	Sh. Prem Ballabh	27.05.86	PH
57.	Sh. Rakesh Kumar	Sh. R.C. Prajapati	01.04.81	PH
58.	Sh. Sunil Dutt	Sh. Munshi Ram	01.07.81	RO #
59.	Sh. Anurag Chaturvedi	Sh. R.N. Chaturvedi	01.10.82	RO
60.	Sh. Ashok Kumar	Sh. Mithanlal	01.12.82	RO
61.	Sh. Om Dass	Sh. Sardar Singh	02.10.85	RO
62.	Sh. Parmod Kumar	Sh. Ramcharan	01.12.82	RO
63.	Sh. Mahinder Singh	Sh. Kishan Singh	01.12.82	RO
64.	Sh. Ramnarayan	Sh. Janghi Shah	01.12.82	RO
65.	Sh. N.D. Dass	Sh. Dayal Chand	01.07.83	RO
66.	Sh. Sachindanand	Sh. Ganeshpati	01.12.82	RO
67.	Ram Prasad	Sh. Doulat Ram	01.01.83	RO
68.	Sh. Surender Pal	Sh. Ganga Ram	01.12.82	RO
69.	Sh. Mangal Sen	Sh. Sukhbir Singh	09.07.79	RO
70.	Sh. Budh Prakash	Sh. Tika Ram	14.08.91	RO
71.	Sh. Vijay Kumar	Sh. Shiv Charan	01.12.82	RO
72.	Sh. Babu Lal	Sh. Itrawi Lal	01.12.82	PHA
73.	Sh. Bhagat Baladur	Sh. Nand Lal	01.09.86	PHA
74.	Sh. Bal Jewan	Sh. Jagpal	04.10.86	PHA
75.	Sh. Dhyan Chand	Sh. Gokal Singh	01.09.86	PHA

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<u>Sl. No.</u>	<u>Name</u>	<u>Father Name</u>	<u>DOTS</u>	<u>Unit</u>
76	Sh. Ganga Ram	Sh. Sukhu Ram	10.06.92	PHA
77	Sh. Gokul Chander	Sh. Nand Kishore	01.09.84	PHA
78	Sh. Iqbal Singh	Sh. Joginder Singh	10.06.92	PHA
79	Sh. Jagat Singh	Sh. Jeet Singh	01.02.83	PHA
80	Sh. Jai Prakash	Sh. Shiv Pujan	16.09.91	PHA
81	Sh. Jaswant Singh	Sh. Dan Singh	01.09.86	PHA
82	Sh. Lalan Singh	Sh. Nardev Singh	07.09.81	PHA
83	Sh. Lekh Raj	Sh. Longu Ram	01.12.82	PHA
84	Sh. Mohan Singh	Sh. Boota Singh	01.12.82	PHA
85	Sh. Mukesh Kumar	Sh. Jagdish	07.06.85	PHA
86	Sh. Murari Singh	Sh. Gokal Chand	06.09.85	PHA
87	Sh. Om Prakash	Late Sh. Deshraj	01.07.83	PHA
88	Sh. Ram Niwas	Sh. Surat Singh	14.09.91	PHA
89	Sh. Ram Prasad	Sh. Mohan Lal	24.01.86	PHA
90	Sh. Ram Ujjagar	Sh. Ram Bali	23.06.90	PHA
91	Sh. Rashem Pal	Sh. Charan Singh	15.1.87	PHA
92	Sh. Rati Pal	Sh. Ram Dullary	05.07.82	PHA
93	Sh. Sohan Singh	Sh. Surender Singh	01.09.86	PHA
94	Sh. Vir Pal	Sh. Chottey Lal	12.06.89	PHA
95	Smt. Taranjeet Kaur	Sh. Surender Singh	01.12.82	PHA
96	Mrs. Usha Bist	Sh. S.S. Bist	01.07.83	PHA
97	Sh. Badre Alam	Sh. Wahid	01.07.83	PHA
98	Sh. Chandrika	Sh. Raj Kumar	01.01.84	PHA
99	Sh. Gulab Chand	Sh. Nathu Ram		PHA
100	Sh. Keser Singh	Sh. Trilok Singh	01.12.82	PHA
101	Sh. Pradeep Kumar	Sh. Vijay Bahadur	01.12.82	PHA
102	Sh. Davinder Singh	Sh. Kundan Singh	13.04.95	PHA
103	Sh. Netra Pal	Sh. Babu Singh	13.04.95	PHA
104	Sh. Prem Bahadur	Sh. Tek Bahadur	01.08.95	PHA
105	Sh. Shyam Singh	Sh. Pop Singh	13.04.95	PHA

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<u>Sl. No.</u>	<u>Name</u>	<u>(S)</u> <u>Father Name</u>	<u>DOTS</u>	<u>Unit</u>
106.	Sh. Rajender Prasad	Late Sh. Shyam Lal	01.12.82	PMO
107.	Sh. Ravi Kumar	Sh. Murai Mutto	26.12.80	PMO
108.	Sh. Sant Lal	Sh. Ganpat Dass	01.07.83	PMO
109.	Sh. Jagat Singh	Sh. Hardhan Singh	01.07.83	PMO
110.	Sh. Bhawan Singh	Sh. Plem Singh	01.07.83	PMO
111.	Sh. Pari Ram	Sh. Tila Ram	01.09.86	PMO
112.	Sh. Satbir Singh	Late Prabhu Dayal	10.06.92	PMO
113.	Sh. Ranjeet Singh	Sh. Sant Ram	03.10.85	PMO
114.	Sh. Sadho Singh	Sh. Prem Singh	01.09.84	PMO
115.	Sh. Mohd. Naseem	Sh. Amerul Haq	01.08.83	PMO
116.	Sh. Jai Prakash	Sh. Kanhya Lal	07.06.85	PMO
117.	Sh. Surjeet Singh	Sh. Raghuber Singh	01.07.83	PMO
118.	Sh. Umesh Chand	Sh. K.R. Paliwal	23.08.85	PMO
119.	Sh. Ghyam Shyam	Sh. Parmanand	01.12.82	PMO
120.	Sh. Uday Singh	Sh. Narayan Singh	01.09.84	PMO
121.	Sh. Sunil Kumar	Late Mhasha Nand	13.06.85	PMO
122.	Sh. Sarwan Kumar	Sh. Dhandu Ram	01.09.86	PMO
123.	Sh. Kishan Nand	Late Sh. Uday Nand	02.06.89	PMO
124.	Smt. Indu	Sh. B.M. Vij	01.12.82	PMO
125.	Sh. Lal Jha	Sh. Kant Jha	01.12.82	PMO
126.	Sh. Liyaqut Ali	Sh. Mahmood Ali	01.12.82	PMO

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NoNameFather NameDOTSUnit

127.	Sh. Raj Kumar	Sh. Ganga Ram	01.09.86	Rly. Board
128.	Sh. Prabhu Dayal	Sh. Sewa Ram	01.12.82	Rly. Board
129.	Sh. Sunder Pal	Sh. Khajan Singh	01.12.82	Rly. Board
130.	Sh. Hari Kishan	Sh. Rajgiri	09.09.90	Rly. Board
131.	Sh. Ramesh Chand Koli	Sh. P. Ram Koli	01.09.86	Rly. Board
132.	Sh. Sukhdev Singh	Sh. Trilok Singh	10.05.84	Rly. Board
133.	Sh. Devi Dutt	Sh. Prem Vallabh	01.01.86	Rly. Board
134.	Sh. Md. Khartib	Sh. Habib	01.12.84	Rly. Board
135.	Sh. Pratap Singh	Sh. Bhopal Singh	01.02.83	Rly. Board
136.	Sh. Nanda Lal	Sh. Manu Metho	14.02.84	Rly. Board
137.	Sh. Satender Singh	Sh. Kanchan Singh	13.04.95	Rly. Board
138.	Sh. Dev Raj Singh	Sh. Sohan Singh	01.12.82	N.A.
139.	Sh. Bal Kishan Joshi	Sh. Ghanna Nand	01.10.82	N.A.
140.	Sh. Girish Anand	Sh. S.K. Anand	01.08.85	N.A.
141.	Sh. Sukh Dev	Sh. Joop Raj Singh	01.12.82	N.A.
142.	Sh. Prem Singh	Sh. Douru Ram	01.12.82	N.A.
143.	Sh. Sree Ram	Sh. Muneshwer Pd.	01.06.89	N.A.
144.	Sh. Irshad Ahmed	Sh. Md. Yunus	01.10.82	N.A.
145.	Sh. Om Prakash	Sh. Munshi Ram	01.12.82	N.A.
146.	Sh. Atwal Singh	Sh. Munshi Ram	01.12.82	N.A.
147.	Sh. Karam Chand	Sh. Gorakh Ram	01.01.83	N.A.
148.	Sh. Mal Chand	Sh. Rai Chand	01.01.83	N.A.
149.	Sh. Nain Singh	Sh. Kishan Chand	01.12.82	N.A.
150.	Sh. Lalit Prasad	Sh. Maha Nand	01.12.82	N.A.
151.	Sh. Pratap Singh	Sh. Ratan Singh	01.08.84	N.A.
152.	Sh. Raghu Vir Singh	Sh. Mool Chand	17.06.89	N.A.
153.	Sh. Tulsi Ram	Sh. Tirath Pd.	19.07.89	N.A.

(By Advocate : Shri B. S. Mainee)

.....Applicants

Cm B.S. Mainee

Union of India  
Through:

1. The Secretary,  
Ministry of Railways,  
Railway Board,  
New Delhi.
2. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
3. The Senior Commercial Manager (Catering)  
Parliament House,  
Catering Complex,  
New Delhi.

.....Respondents.

(By Advocate : Shri R.L. Dhawan)

### **ORDER**

This application under Section 19 of the Administrative Tribunals Act, 1985 has been filed by the applicants seeking a direction for their regularisation and assignment of seniority from the date they had completed three years of service. The applicants have also claimed the benefits of Assured Career Progression Scheme (for short 'ACP Scheme') after considering the period of regularisation from the date prior to their grant of temporary status.

2. It is stated that the applicants were engaged in the year 1981-82. They were granted temporary status after screening in the year 1991-1992. The learned counsel of the applicants stated that as per OM dated 25.7.2000 (Annexure A/3), the benefit of ACP Scheme was extended to canteen employees. Learned counsel invited attention to a letter dated 3.12.1999 of Ministry of Culture, Youth Affairs and Sport, Department of Culture wherein

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a clarification was sought regarding application of ACP Scheme in the case of Shri Atma Ram Sharma working as Coupon Clerk in the Tiffin Room. It was stated that the employees of Tiffin Rooms were treated as Govt. employees w.e.f.1.10.1991. The benefit of ACP Scheme was given on completion of 12 years of service. Therefore, a question was raised whether the period of 12 years for grant of financial upgradation was to be counted from the date of appointment or from 1.10.1991. The learned counsel further stated that the Department of Personnel, Public Grievance and Pensions gave their advice and accordingly, Shri Atma Ram Sharma was granted the benefit of ACP Scheme w.e.f.9.8.1999 vide Ministry of Culture, Youth Affairs & Sports, Department of Culture's letter dated March 2000 (Annexure P-VIII). Learned counsel also invited attention to the reply filed by the respondents wherein seniority list of 1995 has been placed by the respondents as Annexure R-8. It is stated that in this seniority list of Catering Khalasi in the grade of Rs.775-1025 (RPS), the date of appointment of the applicant No.1 has been shown as 1.12.1982 at serial No.42 of the seniority list. The learned counsel stated that the applicant No.1 was appointed in 1982. It has correctly been shown as date of appointment. If that is so, the applicant No.1 should have been regularised with effect from the date of his joining the office of respondents, he should also be given due seniority and consequential benefits like grant of ACP Scheme benefits.

3. The learned counsel also invited attention to the representations filed by the applicants as per letter dated 1.8.2001 to ventilate their grievances but no decision has been communicated by the respondents. Referring to the decision of the Hon'ble Supreme Court in the case of State of Haryana &

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Others, etc. etc. Vs. Piara Singh and Others, etc. etc. 1992 (3) AISLJ 34, it was stated that employees working fairly for a long spell should be regularised, if found suitable. The learned counsel of the applicants also referred to a case of screening held on 23.8.1990 wherein seniority and regularisation was given from 1984. He, therefore, stated that the applicants should have also been given regularisation from the date of their joining.

4. Regarding objection of respondents that there had been delay in filing this Original Application and the same deserves to be rejected on account of being barred by limitation. reference has been placed on the decision of the Hon'ble Supreme Court in the case of State of Bihar & Ors. Vs. Kameshwar Prasad Singh and Ors., 2001 (1) SLJ SC 76. It is stated that the courts should exercise their powers to condone the delay to advance interest of justice. It is claimed that though there is no such delay but still misc. application bearing MA No.673/2002 for condonation of delay has been filed as a precautionary measure. The reliefs being admissible to the applicants and the same should be given by the respondents.

5. The learned counsel of the respondents raised several preliminary objections. According to the learned counsel of the respondents, first claim of the applicants relates to regularisation. The applicants have been regularised by order dated 16.3.1992 (Annexure R-II) with effect from the date of screening held on 2.11.1991 and 16.12.1991. Therefore, if the applicants were aggrieved by that order and claim antedating of their regularisation, they could have pursued their remedy within a period of limitation. In that case, cause of action arose in the year 1992 and the present Original Application filed on

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21.3.2002, as such the Original Application deserves to be dismissed as barred by limitation.

6. The respondents have also taken a preliminary objection regarding claim of seniority on the basis of 1995 seniority list. It is stated that remarks column contains a note that the Khalasis as per order dated 6.3.1992 have been placed from Item No.27 to Item No.132. Therefore, this seniority list has to be read with that order of 16.3.1992 giving regularisation on the basis of screening test. In any case, the seniority list of 1995 has not been challenged. Even though there was stipulation that objection could be filed and the applicants have not filed any objection. The learned counsel vehemently opposed that the so-called representation dated 1.8.2001 is a forged one as the same has not been received in the office of respondents as alleged by the applicants. However, as an alternative, it was also stated that belated representation does not extend the period of limitation.

7. Learned counsel of the respondents has also sought dismissal of the present Original Application on the ground of delay. In support of his contention reliance has been placed on the decision of this Tribunal in the case of *Smt.Sunita Raswant and Ors. Vs. Union of India and Ors.* in OA No.1175/2001 decided on 12.3.2003.

8. The learned counsel of the respondents has also raised a preliminary objection regarding dismissal of the Original Application regarding claim of multiple reliefs in one Original Application. According to him, the applicants are not only asking for regularisation but also for seniority and grant of ACP Scheme benefits. All these are separate and distinct cause of actions. All of

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them are not consequential to each other and as such the Original Application deserves to be dismissed on this ground also.

9. The arguments of learned counsel of the parties have been taken into consideration and the materials available on record have been perused.

10. There is no dispute that the applicants were screened and granted temporary status as per order dated 16.3.1992 (Annexure R-II). Unless screening was done, they cannot be given antedating seniority and regularisation. The reliance placed by the learned counsel on aforesaid case of Atma Ram Sharma working in the Ministry of Culture, Youth Affairs and Sport, Department of Culture is misplaced. That letter dated 3.12.1999 merely states that the employees of the department of Tiffin Rooms were treated as Govt. employees w.e.f.1.10.1991, <sup>or whether</sup> ~~whether~~ such employees were regularly selected as per Recruitment Rules <sup>as per</sup> ~~on the date~~ rules or they were merely casual labours on daily wages is not <sup>stated in</sup> ~~satisfactory~~. Learned counsel has also stated that one Shri Atma Ram Sharma was granted ACP Scheme benefit w.e.f.9.8.1999 on the advice and clarification received from the Department of Personal, Public Grievances and Pension. However, what was the advice and clarification has not been placed by the learned counsel for consideration of this Tribunal. On the other hand, learned counsel of respondents has placed a copy of dated Nil.7.2002 (Annexure R-5) for perusal of this Tribunal, which is a clarification sought by the Railway Board on the ACP Scheme. The nature of problem quantified, requires clarification and the clarification given by the Railway Board in this connection is as follows:-

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"The employees such as casual employee including those with temporary status are not eligible for financial upgradation under the ACPs. Only regular service i.e. eligibility service counted for regular promotion will be reckoned for ACPs. Authority para 3.1 and 3.2 of Rly. Board's letter No.PC-V/9/1/1/1 dated 1.10.99 and PC-V/2001/1/15/NR dated 31.5.2002."

11. In view of this clarification, there is no doubt that unless an employee is placed in regular service, the period for counting ACP Scheme benefits does not commence. In this case, the applicants were casual labourers on daily wage basis and their services were regularised after screening test only by order dated 16.3.1992. Therefore, there is no question of their being regular Govt. employees before the date of their regularisation for which the screening was held on 2.11.1991 and 16.12.1991. The learned counsel of the applicants has also referred to antedating of regularisation in the case <sup>of</sup> Group 'C' employees as per order dated 13.8.1990. The facts of that case will not apply in the case of the casual labourers, who are not regularised. Therefore, on the merits of the case, the applicants were not eligible for grant of ACP Scheme benefit as per OM dated 9.8.1999 as they had not completed 12 years of regular service. They cannot get benefit of any antedating of seniority and regularisation also. Even though there has been dispute about filing of representation by the applicants on 1.8.2001, the same <sup>is</sup> ~~does~~ not very relevant inasmuch as the applicants cannot get the period of limitation extended by filing belated representation. Apparently the cause of action, if any, arose some time in the year 1992 or alternatively in the year 1995 (when the seniority list was circulated). Therefore, any representation dated 1.8.2001 filed on 3.8.2001 is belated and does not extend the period of limitation, as has been held by the Hon'ble Supreme Court in the case of S.S. Rathore Vs. State of M.P. &

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Others, (1989) 4 SCC 582. The preliminary objection of the respondents regarding delay is well founded. However, there is no relief due to the applicants on merits also. Therefore, this Original Application deserves to be rejected on merits also.

12. In the result, for the reasons stated in the preceding paragraphs, this Original Application is dismissed on both points, i.e., on the point of limitation as well as on merits.



**(R.K. UPADHYAYA)**  
**ADMINISTRATIVE MEMBER**

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