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Central Administrative Tribunal, Principal Bench

O.A. No.2898/2001

New Delhi this the 22nd day of October, 2001

Hon'ble Mr. M. P. Singh, Member (A)
Hon'ble Mr. Shanker Raju, Member (J)

1. Yogesh Kumar age 22 years,
(Safai Karam Chari-cum-Waiter)
S/o Sh. Sumer Singh,
R/o 771/S-VII, R.K.Puram, New Delhi
2. Sant Raj age 28 years (Waiter)
S/o Dhan Pal Singh
R/o 25/7, Chuna Mandi, Nalwai Gali
Paharganj, New Delhi
3. Anil Kumar Kashyap 27 years
(Khalasi with Plumber)
S/o Dinesh Kumar kashyap
R/o 361/D, Arya Nagar Rly. Colony
Ghaziabad
4. Chillau Age 27 years
(Khalasi with Plumber)
S/o Late Shri Ram Achebar Verma
R/o 4/14, Tirlokपुरi, Delhi-91
5. Virender Singh Age 24 years (Cook)
S/o Shri Mohan Lal
R/o 666, Anna Nagar (ITO)
Near Tilak Bridge, New Delhi
6. Jitender Kumar age 20 years,
S/o Shri Mange Ram,
R/o 2517, Chuna Mandi, Nalwa Gali
New Delhi

.. Applicants

(By Shri T.P.S.Rathore, Advocate)

versus

Union of India, through

1. Joint Secretary
Ministry of Railways
(Railway Board),
Rail Bhavan, Raisina Road,
New Delhi-110001.
2. Divisional Railway Manager
D.R.M. Office,
Northern Railway, New Delhi

.. Respondents

ORDER(oral)

Hon'ble Shri Shanker Raju, Member (J) :

MA No.2355/2001 for joining together is allowed.



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2. The claim of the applicants is that they have worked in the different capacity as class-IV employees in the office of Railway Board for more than five years and have sought for appointment against Class-IV post in Railway Canteen, Railway Board. The contention of the applicants is that having worked for more than five years, the respondents have not yet regularised their services and accorded them temporary status. The learned counsel for the applicants drawing our attention to (Annexure A-14) letter dated 8.8.2001. Wherein a notification has been issued by the respondents whereby recruitment for the post of Assistant Halwai in the grade of Rs.2750-4400 Class-IV has been initiated and in pursuance the applicants have been asked to fill up proforma and were subjected to write a small essay as one of the requisite criteria in the selection. The claim of the applicants is that having appeared in the test, the respondents have not called for further interview. It is further stated that similar circumstance incumbent has been appointed to the post which shows discrimination by the respondents.

3. Having regard to the contentions made by the learned counsel for the applicant, it is evident from the records that the applicants having worked for last five years as Class-IV employees being paid their wages by the contractor. There is no relationship of master and servant between the applicant and the respondents. The applicants have been given participation in the selection initiated by the respondents vide letter dated 8.8.2001.

Having failed to qualify, the same cannot be assailed by the applicants without any material illegality as held by the Apex Court in Om Prakash Vs. Akhilesh reported as AIR 1986 S.C. 1043. cases.

4. In this view of the matter, we do not find any merit in the present case and is, accordingly, dismissed in limini.

S. Raju
(Shanker Raju)
Member (J)

M.P. Singh
(M.P. Singh)
Member(A)

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