CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 618/2001
with
OA 619/2001

New Delhi this the 13th day of December, 2002

Hon'ble Smt.Lakshmi Swaminathan,Vice Chairman (J)
Hon'ble Shri S.A.T.Rizvi, Member (A)

OA 618/2001

Dwarika Sharma
S/O Manager Sharma
working as Carpenter
in the office of Sr.
Civil Engineer(Construction)
Northern Railway, Kanpur.

(By Advocate Shri K.K.Patel) ..Applicant

VERSUS

Union of India through :

1. The General Manager,
   Northern Railway,
   Baroda House, New Delhi.

2. Chief Administrative Officer
   (Construction), Northern
   Railway, Headquarter office,
   Kashmiri Gate,Delhi-6

(By Advocate Shri B.S. Jain) ..Respondents

OA 619/2001

Mangu Lal
S/O Shri Moti working as
Mate in the office of Sr.
Civil Engineer (Construction)
Northern Railway,Delhi.

(By Advocate Shri K.K.Patel)

VERSUS

Union of India through :

1. The General Manager,
   Northern Railway, Baroda House,
   New Delhi.

2. Chief Administrative Officer
   (Construction), Northern Rly.,
   Head Quarter Office, Kashmiri Gate,
   Delhi.

(By Advocate Shri B.S. Jain) ..Respondents

(22)

O R D E R (ORAL)

(Hon'ble Shri S.A.T.Rizvi, Member (A)

Heard. Since the issues raised in both these OAs are similar we proceed to dispose them of by this common order.

2. Applicant in OA 618/2001 appointed as Casual Gangman, was granted temporary status on 1.1.1984 and has thereafter been made regular in Group 'D' as a Khallasi vide respondents order dated 6.1.1999. He is currently working as Carpenter which is a Group 'C'post. The prayer made by him is for a direction to the respondents to regularize him in the aforesaid post of Carpenter.

3. Applicant in OA 619/2001 engaged as casual Gangman, was granted temporary status on 1.1.1984 and has thereafter been made regular in Group 'D' post as Gangman. He is currently working as Mate. His prayer is for a direction to the respondents to regularise him in class III post as Mate.

4. We find from the above that both the applicants seek regularisation in class III posts in the Construction Organisation, even though they have already been regularised in Group 'D'posts in their respective parent Divisions. We have, however, not failed to notice that both of them have been discharging the duties of class III posts for a number of years and even today they are working in the same capacities.

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5. Learned counsel appearing on behalf of the respondents has re-called before us several orders made by the Tribunal,High Court and Supreme CCourt which have negative the plea of persons for regularisation in class III posts in the Construction Organisation, after the persons concerned had been regularised in Group 'D' posts in their parent Divisions. In view of this, learned counsel finds no merit in these OAs which have to be dismissed.

6. Shri K.K.Patel,learned counsel for the applicant submits that the issues raised in these OAs are precisely those which are under consideration before the Supreme Court in **Inder Pal Yadav Vs. UOI and Ors** (Writ Petition No.548/2001). That being so he submits that the applicants are prepared to hold on untill the Supreme Court has finally decided the above matter. According to him, the fate of the applicants will inevitably depend on the outcome of the aforesaid case. The present case can be disposed of accordingly.

7. In the light of the foregoing, we find ourselves inclined to dispose of these OAs with a direction that the prayer made by the applicants in these OAs be decided by the respondents as and when the Supreme Court verdict becomes available and while doing so they shall act in accordance with the decision of the apex Court. No costs.

8. Let a copy of this order be placed in OA 619/2001.

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

(Smt.Lakshmi Swaminathan)
Vice Chairman (J)

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