

(36)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1828/98

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 13th day of December, 2000

1. Om Prakash
s/o Shri Budh Ram
Material Checking Clerk
O/o Chief Administrative Office (Construction)
Northern Railway
Kashmere Gate
Delhi.
2. Dev Raj
s/o Shri Jaibir Singh
Material Checking Clerk
O/o Chief Administrative Office (Construction)
Northern Railway
Kashmere Gate
Delhi.
3. Tapan Kumar Paul
s/o Shri W.C.Paul
Material Checking Clerk
O/o Chief Administrative Office (Construction)
Northern Railway
Kashmere Gate
Delhi. Applicants

(By Shri A.K.Bhardwaj, Advocate)

Vs.

1. Union of India through
The General Manager
Northern Railway
Baroda House
New Delhi.
2. The General Manager (P)
Headquarters Office
Northern Railway
Kashmere Gate
Delhi.
3. The Chief Administrative
Officer/Const.
Northern Railway
Kashmere Gate
Delhi - 6. Respondents
(By Shri B.S.Jain, Advocate)

O R D E R (Oral)

Justice V. Rajagopala Reddy:

The applicants, who were initially working as
Gangman, Group 'D' in the Railways but they have been

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taken to the Construction Organisation and entrusted the work of Material Checking Clerk (in short, MCC) and they have been working as MCC for more than three years.

2. The learned counsel for the applicant seeks to get the benefit of certain circulars and seek regularisation as MCC in Construction Organisation. This matter is squarely covered by the Judgement of the Full Bench in Ram Lubhaya & Others Vs. Union of India & Others (OA No.103/97 and batch), decided on 4.12.2000, Principal Bench, wherein it was held as under:

"15. In the result we answer the reference as under:

(a) Railway servants hold lien in their parent cadre under a division of the Railways and on being deputed to Construction Organisation, and there having promoted on a higher post on ad hoc basis and continue to function on that post on ad hoc basis for a very long time would not be entitled to regularisation on that post in their parent division/office. They are entitled to regularisation in their turn, in the parent division/office strictly in accordance with the rules and instructions on the subject."

3. In view of the above, the OA fails and is accordingly dismissed. No costs.

(GOVINDAN S. TAMPI)
MEMBER(A)

OmS
(V.RAJAGOPALA REDDY)
VICE CHAIRMAN(J)

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