

Central Administrative Tribunal
Principal Bench

O.A. No. 884 of 1998

New Delhi, dated this the 28th JANUARY 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALI, MEMBER (J)

1. Shri Mahesh Kumar Bhardwaj
S/o Shri I.P. Santoshi,
Wireman,
Office of the IRCOT,
Shivaji Bridge,
New Delhi.
2. Shri Bhanwar Singh
S/o Shri Rati Ram
3. Shri Ramesh Chander,
S/o Shri Hukum Chand
4. Shri Fateh Singh,
S/o Shri Nathu Singh .. Applicants

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road, New Delhi.
3. The Chief Project Administrator,
Indian Railways Central Organisation
for Telecom,
Shivaji Bridge,
New Delhi. .. Respondents

(By Advocate: Shri R.L. Dhawan)

ORDER

S.R. ADIGE, VC (A)

Applicants who were regularised and hold
their lien as Electrical Khallasis in Delhi Division
and were deputed outside their cadre to IRCOT where
they were given ad hoc promotion as wiremen
(Rs. 950-1500) in 1991-92 vide specimen order dated

(A2)

28.11.91 (Annexure A-2) seek regularisation of their services as wiremen and assignment of appropriate seniority.

2. Heard both sides.

3. Under Rules, instructions and judicial pronouncements, applicants can seek regularisation only within their cadre and not outside their cadre. As applicants are borne on the cadre of Delhi Division the question of their regularisation as wiremen in IRCOT does not arise. Applicants' counsel has cited the rulings in Robert D'Souza Vs. Union of India AIR 1982 SC 644 and the Direct Recruit Class II Engineering Officers' case JT 1990 (2) SC 264, but neither of those rulings alter the accepted legal position that a Government employee can seek regularisation in the cadre to which he belongs and not outside his cadre.

4. In this connection respondents have averred in Para 4.5 of their reply to the O.A. that no person junior to applicants has been promoted as yet even as Head Khallasi let alone wireman in applicants' parent cadre in Delhi Division, and they, therefore, have no claim for promotion as wireman on regular basis in their parent cadre. As soon as any person junior to them is promoted to higher grade of Head Khallasis/wiremen, applicants will be granted proforma promotions to protect their right for further advancement in their parent cadre, subject to

(A3)

their passing the trade test for promotion as Wireman Grade II. Applicants in their rejoinder have not controverted the above specific averment by citing the case of a single person junior to them in their parent cadre of Electrical Khallasi in Delhi Division who has been promoted/regularised as wireman.

5. The O.A. is disposed of in terms of respondents' own averments extracted in para 4 above. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

karthik