

Central Administrative Tribunal

Principal Bench

OR-1617/95

(7)

New Delhi, the 19th March, 1996.

Hon'ble Shri A.V. Haridasan, VC(J)  
Hon'ble Shri R.K. Ahooja, Member(A)

Krishan Kumar  
S/o Shri Khushal Chand  
Quarter No.148-A  
Pitam Pura,  
Delhi.34.

Applicant

(Advocate: Shri A.K. Bhardwaj)

vs

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

2. Dy. Chief Engineer,  
Northern Railway  
Tilak Bridge,  
New Delhi.

3. The Senior Civil Engineer(Const)  
Northern Railway,  
Tilak Bridge,  
New Delhi.

Respondents

(Adv. Shri B.K. Aggarwal)

ORUER (Oral )

Hon'ble Shri A.V. Haridasan, VC(J)

The applicant who commenced service  
as casual labour in the Northern Railway w.e.f.

18.12.1976 was granted temporary status w.e.f.

1.1.86 while he was working as MCC along with  
two others w.e.f. 1991, by the impugned order  
dated 8.4.95, the respondents have reverted

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the applicant to the lower post of storeman in the pay scale of Rs.825-1260. Therefore, he has filed this application for quashing that order and for direction to the respondents to regularise him as MCC. He has alleged in the application that while his juniors have been regularised in the post, the applicant has been discriminated.

2. The respondents seek to justify the action on the ground that he was not promoted on ad-hoc basis but was utilised on local basis as MCC in 1991 with those khalasis who were being utilised as MCC. By order dt. 29.8.91, three other persons and applicant who were being utilised as MCC and paid the salary attached to the post. Now, that the project in which the applicant was utilised as MCC has been completed and as now, there is no necessity to continue the ad-hoc arrangement and the applicant has been reverted back as storeman. As regards the contention of the applicant regarding the posting of respondent No.4 and other persons, they contend that they are working in different project and utilisation is only on local basis. The applicant has filed the ~~rejoinder and~~ <sup>Rejoinder</sup> ~~and~~ <sup>Statement</sup> ~~reiterated~~ <sup>reiterated</sup> the charge taken by the respondents.

3. Having perused the pleadings and ~~arguments~~ <sup>documents</sup> and after hearing the counsel on either side, we do not find any force in the claim of the applicant for

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regularisation as MCC from 1965. Order dated 29.8.1991 only states that they would be entitled to the scale of pay as they were being utilised as MCC only as a local arrangement. That does not amount to an ad-hoc promotion.

4. The learned counsel for the applicant invited our attention to judgement in BR Rekhi and others vs. ULI and others - (1995 (1) ATJ 16 p.67). The facts of the case under citation are entirely different. In the case cited, the Bench was considering the case of Khalasis who had been working on ad-hoc as MCC for a number of years and the decision taken was to regularise those persons who was working as on *The case is the effect that* in 1987, *The respondents have retained his* juniors and arbitrarily reverted him has no force at all because the so called juniors are being utilised as MCC in different projects where requirement is there and not in the project where applicant was working. The utilisation being only on purely temporary local basis, the case of applicant that juniors are retained while he is reverted has no substance.

5. In the light of what is stated above, we do not find any merit in this OA and therefore dismiss the same. No order as to costs.

*Rekha*

( R.K. Ahuja )  
Member (A)

*Haridasan*

( A.V. Haridasan )  
Vice Chairman (J)