

CENTRAL ADMINISTRATIVE TRIBUNAL

Principal Bench

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O.A. No. 2215 of 1995

&

M.A. No. 2267 of 1996

New Delhi, dated this the 21st November, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri L.P.Mishra,
S/o Shri H.P.Mishra,
R/o C-42/D, Railway Colony,
Lajpat Nagar,
New Delhi. ... APPLICANT

(BY Advocate: Shri H.P. Chakravorty)

1. Union of India through
the Principal Secretary,
Govt. of India,
Ministry of Railways,
Chairman, Railway Board,
Rail Bhawan,
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Chief Administrative Officer
(Construction),
Northern Railway,
Kashmiri Gate,
Delhi-110006. ... RESPONDENTS

(By Advocate: Shri B.S.Jain)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

The applicant seeks regularisation in Group 'C' as vehicle driver w.e.f. 1.1.81 in Delhi Division with all consequential benefits.

2. The applicant has not shown us his initial appointment letter, but from his own averments as contained in para 4.1 of his O.A., he was appointed as a casual labourer on

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8.8.73 and was also issued a casual labourer service card. Posts of casual labourers are in Group D and from the materials on record it appears that it is only subsequently that he began discharging the duties of a Driver which is a promotional post in Group 'C'.

3. In the background of the Hon'ble Supreme Court's judgment dated 15.2.96 in Civil Appeal Nos. 36119-24/96 UOI Vs. Moti Lal & Ors., the applicant does not ^{automatically} acquire a right for regularisation on Driver, notwithstanding the fact that he has continued to discharge the duties of a driver for a period, and has in the first instance to be regularised in Group 'D' before he can be considered for regularisation as Driver in Group 'C'.

4. Under the circumstance we dispose of this O.A. with a direction to the respondents to consider the applicant for regularisation in Group D within three months from the date of receipt of a copy of this judgment, and upon his regularisation in Group 'D', it will be open to the applicant to represent to the authorities for regularisation against promotion post of Driver in Group C, which prayer should be considered by the respondents in accordance with extant rules and instructions having regard to the

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availability of vacancies, the applicant's
eligibility, and his seniority.

5. Meanwhile we note the assurance given
by respondents in paragraph 4.14 of their
reply that there is no instruction on their
part to revert the applicant from the post
he is presently hold.

6. This O.A. together with MA No. 2267/96
is disposed of in terms of paragraph 4 above.
No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)
/GK/

S. R. Adige
(S. R. Adige)
Member (A)