

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

1) O.A. NO.1697/1996
2) O.A. NO.1854/1996

(5)

New Delhi this the 30th day of March, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

1) O.A. NO.1697/1996

1. Yad Ram S/O Bhoopal singh
working as Material Clerk,
under Asstt. Electrical Engineer
(Construction), Northern Railway,
Aligarh (UP).

2. Shri. Krishna Verma S/O Hari shankar Verma,
working as Material Clerk
under Asstt. Electrical Engineer
(Construction), Northern Railway,
Aligarh (UP). ... Applicants

(None present for Applicants)

-versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.

2. Chief Administrative Officer (Const.),
Northern Railway, Kashmere Gate,
Delhi.

3. Divisional Railway Manager,
Northern Railway,
Allahabad.

4. Asstt. Electrical Engineer (Const.),
Northern Railway,
Aligarh.

(By shri Dinesh Kumar Tanwar, Head Clerk, Deptt.
Representative)

2) O.A. NO.1854/1996

D. Thomas, Labour Khalasi,
under Shop Superintendent (Works),
Northern Railway,
Tughlakabad. ... Applicant

(None present for Applicant)

-versus-

1. Union of India through
General Manager, Northern Railway,
Baroda House, New Delhi.

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2. Divisional Railway Manager,
Northern Railway,
State Entry road,
New Delhi.

... Respondents

(None present for Respondents)

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicants were initially appointed as casual labourer and were later on regularised as Khalasies and thereafter were promoted as Material Clerks.

2. By the present O.A.s. applicants claim regularisation on the basis of decisions taken by the respondents to regularise the services of Material Checking Clerks/Material Clerks who had been working on ad hoc basis for more than three years.

3. Applicants in O.A.1697/96 were initially engaged as casual labour in the year 1980 and were regularised as Khalasies w.e.f. 1.1.1984. Applicant No.1 vide order dated 25.1.1989 and applicant No.2 vide order dated 27.3.1987 were promoted as Material Clerks on ad hoc basis. They have been working as such in the grade of Rs.950-1500 since the date of their promotions in 1989 and 1987 respectively.

4. So far as applicant in O.A.1854/96, shri D.thomas, is concerned, he was engaged as casual Khalasi on 28.2.1981. He was promoted as a Material Chaser (Rs.950-1500) on ad hoc basis on 31.5.1989 (Annexure A-2). Admittedly he continued to work as



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MCC though on ad hoc basis from 31.5.1989 to 9.5.1994.

Thereafter he was regularised as Khalasi on 14.7.1995 whereafter he has continued to work as such, according to the respondents.

5. Applicants in the present O.As. claim regularisation to the post of Material Checking Clerks/Material Clerks/Material Chaser on the basis of a decision arrived at in the Permanent Negotiation Machinery (MCC) meeting held on 6/7th June, 1988 when the General Manager decided that all Material Clerks who had been working on ad hoc basis for more than three years should be regularised.

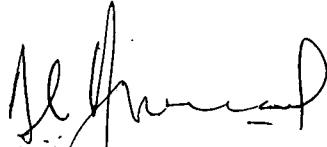
6. The claim of the applicants, we find, is governed by a decision of this Tribunal in the case of B.R.Rahi & Ors. v. Union of India, O.A. No.1395/92, decided on 31.7.1993. By the aforesaid order, services of the applicants in the said O.A. were directed to be regularised in accordance with the decision arrived at in the Permanent Negotiation Machinery meeting of May, 1987 and they had been directed to be given seniority taking into account the entire period of continuous service as MCCs/Clerks within their quota. Following the aforesaid decision, we direct the respondents in the present O.As. also to consider the claim of the applicants for regularisation to the posts of Material Clerks by taking into account their entire period of continuous service as Material Checking Clerks/ Material Clerks/ Material Chaser in terms of the decision arrived at in

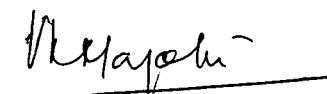
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the PNM meeting of May, 1987 after considering their service record and after subjecting them to viva voce test, and subject to availability of permanent posts. While considering the availability of permanent vacancies respondents will keep in mind the fact that the applicants have been working in their present posts for continuously more than three years, which would automatically give rise to a presumption that regular vacancies for the said posts exist.

7. Present O.As., therefore, are allowed in the aforesated terms. There shall, however, be no order as to costs.


(Ashok Agarwal)
Chairman


(V. K. Majotra)
Member (A)

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