

11

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2149/96

New Delhi this the 23rd day of March, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHAIRMAN
HON'BLE MRS. SHANTA SHASTRY, MEMBER (ADMNV)

Shri Brahmanand S/o Sh. Man Singh,
Field Worker (Family Welfare),
Health Unit,
Delhi Kishanganj.

...Applicant

(Applicant in person)

-Versus-

Union of India through:

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway, New Delhi.
3. Sh. Balurender Kaur (SC)
Field Worker Service through
DRM Firozpur.
4. Sh. Ramdin (SC)
Field Worker Service through
DRM, Allahabad.
5. Shri Prem Pal Singh (ST),
Field Worker Service through
DRM, Muradabad.
6. Md. Samim, Sr. Clerk,
Central Hospital, New Delhi.

...Respondents

(By Advocate Shri P.S. Mahdndru, though none appeared)

O R D E R (ORAL)

By Mrs. Shanta Shastri, Member (Admnv):

The applicant appears in person. None appears on behalf of the official as well as private respondents.

2. The applicant has challenged the order dated 7.8.96 whereby records of five persons were called for promotion for the post of Senior Compilation Clerk in the scale of Rs.1400-2300. The applicant has also sought a

2

✓ direction to the respondents to publish a revised seniority list of Field Workers and assign him seniority over one Mohd. Samim, respondent No.6. The applicant also wants his representation dated 22.1.96 to be decided.

3. The applicant was initially appointed as Hospital Attendant under M.S. Delhi. He was appointed to officiate as a Field Worker by order dated 9.4.86 on ad hoc basis. He was aggrieved that he was not being regularised even after seven years on ad hoc basis. One of his colleagues Shri Radhey Shyam Sharma, i.e. R-3 who was also working on ad hoc basis claimed regularisation by filing OA No.89/89 in the Jodhpur Bench of the Tribunal. The same was decided on 28.9.93 in favour of Shri Radhey Shyam and he was ordered to be regularised against the promotion quota. Accordingly, he was regularised in the year 1993. The applicant also came before this Tribunal in OA-606/99, seeking regularisation in the promotion quota of 50%. The Tribunal disposed of the same by directing the respondents to dispose of his representation expeditiously. The respondents in turn considered the applicant's case and regularised him w.e.f. 12.7.95 vide their notice dated 12.7.95. The applicant is claiming regularisation from the date of his ad hoc appointment on 9.4.86.

4. None appears on behalf of the respondents. Also there is no reply filed by the respondents. Their right to file the counter was forfeited vide order dated 23.9.97.

↓

5. It is seen from the available material on record that the applicant had filed his application for regularisation w.e.f. 9.4.86 in the year 1994 vide his OA-606/94. As soon as the application was made the Tribunal disposed of the case at the admission stage itself directing the respondents to dispose of the representation of the applicant immediately and expeditiously. The respondents promptly regularised the services of the applicant in the post of Field Worker w.e.f. 12.7.95. This being the position the applicant cannot be considered for regularisation w.e.f. 9.4.86. The applicant has also contended that originally Mohd. Samim, respondent No.6 was appointed as Field Worker w.e.f. 30.10.86 while the applicant was appointed on 9.4.86 on ad hoc basis. However, respondent No.6 has been shown as senior to the applicant in the seniority list of Field Workers vide order dated 17.12.90 at serial No.17 whereas the applicant's name does not figure in the same. It is seen from the said seniority list that respondent No.6 was promoted to the post of Field Worker w.e.f. 1.4.86. He was already working in the substantive capacity in the post of Field Worker from 30.10.86 whereas the applicant was only working in ad hoc capacity w.e.f. 9.4.86. Therefore, the applicant's contention that respondent No.6 has been assigned seniority over the applicant does not hold good.

6. We note that the applicant is claiming regularisation from 9.4.86 when he himself had approached this Tribunal only in 1994 i.e. after a lapse of eight years. In our view the applicant has no case, it suffers from laches and delays. 4

14
(4)

7. In the facts and circumstances of the case we do not find any merit in the OA. The O.A. is, therefore, dismissed. No costs.

Shanta J-
(Smt. Shanta Shastry)
Member (Admnv)

V. Rajagopala Reddy
(V. Rajagopala Reddy)
Vice-Chairman (J)

'San.'