

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 2168 of 1996

(12)

New Delhi, this 24th day of March, 2000

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Smt. Shanta Shastry, Member(A)

1. M.L. Gupta  
S/o Late Shri Chokkey Lal Gupta  
Pharmacist  
Under Senior Divisional Medical Officer  
Moradabad Division, Northern Railway  
Laksar (U.P.)
2. S.C. Uniyal  
S/o Shri G.R. Uniyal  
Pharmacist  
Under Asstt. Divisional Medical Officer  
Northern Railway  
Najibabad (Moradabad Division) ... Applicants

(By Shri B.S. Maine, Advocate - not present)

versus

Union of India, through

1. The Secretary  
Ministry of Railways  
(Railway Board)  
Rail Bhavan  
New Delhi.
2. The General Manager  
Northern Railway  
Baroda House  
New Delhi.
3. The Divisional Railway Manager  
Northern Railway  
Moradabad Division  
Moradabad. .... Respondents

(By Advocate: None)

ORDER(oral)

By Smt. Shanta Shastry, M(A)

None appears for the parties either in person or through counsel. The case relates to 1996. hence we proceed to dispose of the case on the basis of pleadings which are complete.

2. The applicants were appointed as Pharmacist in the grade of Rs.330-560 in the year 1985 vide orders dated 15.3.1985. the applicants were allotted Moradabad Division against regular vacancies. It was mentioned in the appointment letter that the applicants would be replaced by duly selected candidates on receipt of panel from the Railway Service Commission. Since then the applicants continued to work as Pharmacists. Finally they were regularised vide orders dated 30.11.1995. with effect from 29.4.1992. They were regularised after passing regular test as well as viva voce test. A seniority list was issued on 30.11.1995 placing the applicants below those who had been appointed up to May 1989. The applicants two in number have sought a direction to the respondents to assign them seniority as Pharmacist from the date of their initial appointment i.e. 15.3.1985 with all consequential benefits.

3. It is seen from the counter reply filed by the respondents that appointment of the applicants as Pharmacist was purely on ad hoc basis with a clear stipulation that they would be replaced by duly selected candidates on receipt of the panel from the Railway Service Commission. They could be regularised only after adjudging their suitability by a committee constituted for the purpose. Accordingly, they were regularised on 29.4.1992. The applicants have been assigned

correct seniority and the applicants have no case. Also the applicants were free to apply for the regular post of Pharmacist without notice for recruitment to the said post which was issued by the Railway Recruitment Board. It was also not binding on the respondents to screen the applicants for regularisation under the rules. However, the applicants were screened for the purpose of recruitment only as an exceptional case.

4. We are satisfied that the respondents have acted in a fair <sup>manner</sup> by regularising the applicants with effect from 29.4.1992 even though the applicants had not applied for regular post when advertised. We do not find any merit in the OA. Accordingly, the same is dismissed. No costs.

*Shanta S*  
(Mrs. Shanta Shastry)

Member(A)

*V. Rajagopal Reddy*  
(V. Rajagopal Reddy)

Vice Chairman(J)