

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

R.A.No.89/2000

IN

OA No.964/96.

New Delhi: this the 27th day of November, 2000.

Hon'ble Mr. S.R. Adige, VICE CHAIRMAN (A).

Hon'ble Dr. A. Vedavalli, MEMBER (J)

O.P. Gupta,
Clerk PRS,

Project Manager,
Electrical (PRS) IRCA Building,

New Delhi Applicant.

(By Advocate: Shri H.P. Chakravorti)

Versus

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

2. Deputy Project Manager (Electrical), PRS.,
Northern Railway, IRCA Building,
New Delhi.

3. Divisional Manager (Northern Railway),
Muradabad (UP). Respondents.

(By Advocate: Shri R.L. Dhawan)

ORDER

S.R. Adige, VC(A):

Heard both sides on RA No.89/2000 seeking review
of the Tribunal's order dated 8.2.2000 dismissing
OA No.964/96.

2. In OA No.964/96 applicant had sought regularisation
of his services as Clerk from the date of his adhoc
promotion i.e. 11.5.83 with consequential benefits.

3. In his averments in the OA, applicant had
contended that he joined Northern Railway as a Casual
Labourer in October, 1975 and was screened and appointed

as a regular B.M. Khallasi (Rs. 196-232) vide letter dated 3.4.80 (Annexure-A-1 of OA) in Moradabad Division of Northern Railway. Letter dated 3.4.80 however, speaks of applicant being appointed temporarily as a substitute B.M. Khallasi. Respondents in their reply to the OA denied that applicant was ever regularised as a Khallasi.

4. Applicant in his rejoinder to the reply contended that he had been regularised by letter dated 27.3.80 (Annexure-16 to rejoinder) but if so he has failed to explain why in subsequent letter dated 3.4.80 he is referred to as a temporary substitute B.M. Khallasi.

5. Hence applicant has not been able to establish that he was ever regularised in Group 'D' category.

6. Admittedly applicant was transferred to work in Railway Electrification Organisation as Khallasi vide order dated 18.12.80, and was later promoted as Clerk (Rs. 260-400) in R.E. Organisation on purely adhoc basis on 11.5.83 and is continuing as such since then.

7. Applicant has no enforceable legal right to compel respondents to regularise him against an excadre group 'C' post of Clerk in R.E. Organisation, when he is not even regularised in group 'D' category within his own cadre. He is first required to be regularised in his turn in Group 'D' category in his own cadre before being considered for regular promotion in Group 'C' category.

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8. The Tribunal's order dated 8.2.2000 does not require any review. RA is rejected.

A V. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J).

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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