

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA No. 890/97

New Delhi, this the 20th day of March, 1998

Hon'ble Shri T. N. Bhat, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

Shri Pehlad Singh s/o Sh. Shyam Dass,
21-B, B.G. Railway Colony,
Hissar.

..Applicant

By Advocate: Shri P.M. Ahlawat

Versus

Union of India through

1. The General Seecretary,
Northern Railway,
Baroda House,
New Delhi.
 2. The Chief Administrative Officer (Const.),
Northern Railway,
Kashmiri Gate, Delhi.
 3. The Divisional Railway Manager,
Northern Railway,
Ambala Cantt (Haryana).
-Respondents

By Advocate: Shri R.P. Aggarwal

O R D E R (ORAL)

By Hon'ble Shri S.P. Biswas, Member (A)-

The applicant is working as a Material Checking Clerk (MCC for short) in the Construction Department under the office of Chief Administrative Officer (Const), Kashmiri Gate, Delhi and is seeking issuance of an order to the respondents regularising his services as MCC/Office Clerk w.e.f. 15.7.1987.

The rules/laws that would govern the regularisation of the category of staff are stipulated in the instructions of the General Manager, Northern Railway as in Annexure R-I dated 30.12.1991. As per the instructions therein the proposal for regularisation of

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this category of staff have to be processed only at the Headquarters i.e. at the level of respondent No. 1 and respondent no. 2.

Following the above instructions, the Controlling Officer of the applicant i.e. Assistant Engineer/Const., Hissar had approached the Deputy C.P.O. (Construction), Northern Railway at Kashmiri Gate, Delhi recommending the name of the applicant to regularise him vide his letter dated 17.01.1997 (annexure A-III). We do not have any details as to what happened thereafter. However, the respondent General Manager vide his communication dated 13.02.1997, as at Annexure A-IV, instructed that after 8.5.1987 the MCCs working for more than three years on ad hoc basis would be regularised against the vacancies of promotee quota of Office Clerks alongwith other eligible group 'D' officials by a due selection process. The fact that such categories of staff have to be considered for regularisation by the respondent no. 1 is not in dispute. The fact that the name of the applicant has also been sent to the Construction Division headquarters at Kashmiri Gate is also not in dispute. What is in dispute is that he is to be considered alongwith other staff at the headquarters and that process has not taken place.

Under the aforementioned circumstances this OA is partially allowed with the following orders:-

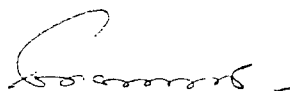
- (i) the respondents shall consider the proposal for regularisation of the applicant on the basis of recommendation as at Annexure A-III dated 17.1.1997:

(ii) The said consideration for regularisation shall be undertaken in the background of the instructions available in Annexure R-I; and

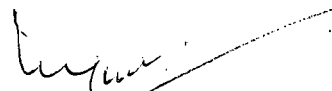
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(iii) The applicant shall be informed of the position with reference to his representations dated 8.3.1996 and 10.4.1997 respectively.

This OA is disposed of accordingly. No cost.



(S.P. Biswas)
Member (A)



(T.N. Bhat)
Member (J)

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