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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 943/94

NEW DELHI THIS THE 11TH DAY OF MAY, 1994.

**MR. JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.N.DHOUNDIYAL, MEMBER(A)**

Pradip Kumar
Head Clerk
Employee No. 251894
Stores Deptt.R.C.F, Tilak Bridge
New Delhi-110002. ... APPLICANT

BY ADVOCATE SHRI R.L.SETHI

vs.

(1) The Secretary,
Railway Board,
Rail Bhawan, New Delhi.

(2) The General Manager
Rail Coach Factory,
Kapurthala(Pb.)

... RESPONDENTS

ORDER(ORAL)

In this OA, the documents produced by the applicant, speak for themselves.

2. Annexure 'A-2' is the photostat copy of the letter dated 14.1.1986 of the Joint Secretary, Railway Board. The subject of this letter is "Appointment of staff in the personal establishment of Minister for Transport in the Department of Railways (Railway Board)." It is recited in this document that the Minister for Transport has decided that the applicant should be appointed in his personal establishment on the strength of the Department of Railways (Railway Board) as a Lower Division Clerk in the scale of Rs.260-400. It is stated that the appointment of the applicant is purely temporary and on co-terminus basis or till the services are actually required by the Minister, whichever is earlier.

3. Annexure 'A-1A' is a photostat copy of the letter dated 28.9.1993 of the

General Manager(P), Rail Coach Factory.

The subject of this letter is "Seniority list of ministerial staff, Store Deptt. circulated vide RCF/KXH's letter No.76-E/RCF/KXH dated 7.5.93." Since every line of this letter has relevance, we consider it desirable to quote the same, in extenso:

" On scrutiny of your records it is found that you were appointed as temporary LDC in Personal Establishment of Transport Minister in scale of Rs.260-400(RS) w.e.f.2.1.86(FN) on co-terminus basis" or till your services were actually required by the Minister, whichever is earlier vide Rly Board's letter No.E-85 DPI/1/RBZ dated 14.1.86. You were relieved from the Rly Board office on 17.3.86 to join as Sr.Clerk grade Rs.330-560(RS) against a purely temporary work charged post in CO/OIS with the condition that your appointment in CO/OIS would continue to be governed by the terms & conditions of your original appointment as per Minister for Transport's letter No.E(RB) II/7732-CP dated 17.3.86.

Further from there, you were relieved to report to officer on special duty, Rail Coach Factory, Kapurthala at SOI New Delhi vide Notice No.3-E/COIS/5 dated 11.5.87. You were put to work purely on Adhoc basis as Head Clerk in grade of Rs.1400-2300(RPS) w.e.f.20.12.88. It remains a fact that your services even as LDC have not yet been regularised and you have no prescriptive right to any post whatsoever.

Since your service records were not available in this office your name was entered in the seniority list under reference wrongly for which you are not entitled. You are called upon to show cause, if any, within a period of 7 days of the receipt of this letter, why your name should not be deleted from the seniority list under reference. If your reply is not received within the above stipulated period, it will be presumed that you have nothing to say in the matter and action will be taken accordingly."

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4. The learned counsel for the applicant stated at the Bar that in pursuance of the letter dated 28.9.1993, the applicant made a representation within the time specified in the said letter. He stated that instead of giving any positive reply to applicant's representation, some persons other than the applicant were promoted.

5. The reliefs claimed in this OA are these:

- (1) On the basis of the selection held on 12.5.1987, the applicant be declared as an employee of the R.C.F.;
- (2) He should be made eligible for regularisation and promotion like any other employee of the R.C.F similarly situate ; and
- (3) The order dated 28.9.1993 may be quashed.

6. The contents of the afore-quoted letter dated 28.9.1993 are self-explanatory.

7. The learned counsel for the applicant invited our attention to certain documents, namely letter dated 20.3.1990(Annexure A-9) and a copy of the letter dated 30.4.1992 alleged to have been issued by the General Manager. We will deal with the latter document first. By it, the General Manager requires the OS(Store) to send the D&AR clearance

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of some persons including the applicant for the purpose of their regularisation/promotion as Head Clerk (Ad hoc) in the Store Department. The last paragraph of the former document (Exhibit-A-9) dated 20.03.1990 really indicates that certain proceedings were going on for the regularisation of ad hoc promotees.

8. Having considered the matter with the care it deserves, we are of the opinion that the applicant cannot derive any advantage from the aforesaid two documents, as his case stands fully answered by the letter dated 28.09.93 of the General Manager. According to the applicant's own case, he entered the Railways through back-door, as a nominee of the Minister, on purely temporary basis. No order has been shown to us regularising the services of the applicant as a Lower Division Clerk. The applicant is not entitled to any relief.

9. The O.A. is dismissed summarily.

B.N.Dhundiyal
(B.N. DHUNDIYAL)
MEMBER (A)

S.K.D
(S.K. DHAON)
VICE CHAIRMAN

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