

(B)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. No. 978 of 1994.

New Delhi, this the 28th day of September, 1994.

HON'BLE MR JUSTICE S.K.DHAON, ACTING CHAIRMAN

HON'BLE MR B.N.DHOUNDIYAL, MEMBER(A)

1. Shri Satya Pal
S/O Shri Ram Singh
H.No. 2 Tukmir Pur Gaon
Sherpur Chowk
Karawal Nagar Road,
Delhi-94. Applicant.

(through Mr P.M.Ahluwat, Advocate)

vs.

1. The Union of India, through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Senior Divisional Personnel Officer,
Divisional Railway Manager's Office,
Northern Railway, State Entry Road,
New Delhi. Respondents.

ORDER(oral)

JUSTICE S.K.DHAON, ACTING CHAIRMAN

Indisputably, the applicant was appointed as Khalasi(Casual Labour) on 03.11.1989. The prayer is that the respondents may be directed to treat his appointment as regular. The further prayer is that the respondents may be directed to treat the applicant as confirmed w.e.f. 03.11.1989 and give him seniority etc. on that basis.

2. The applicant avers that he underwent the interview/viva-voce test. He was also medically examined for appointment as Loco Cleaner in A-1 Medical Classification prescribed. However,

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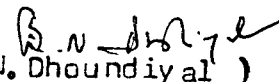


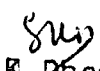
he was given the appointment as a Casual Worker. In support of his case, he avers that after sometime he was given the benefit of provident fund etc.

3. We are not prepared to accept the submission of the applicant that he was not appointed on a Khalasi initially. If he had any grievance on that score, he should have atleast protested before accepting the appointment. The fact that he is being given the benefit of Provident Fund etc., does not in any manner support his case that he was appointed on regular basis to begin with. After rendering service for 120 days, the applicant acquired temporary status, that is why, he received benefits, which are given normally to those who acquire temporary status. The case of the applicant for being regularised in service shall be considered strictly in accordance with the list prepared by the department. In these circumstances, we are unable to grant any relief, as prayed.

4. Despite service of notice, the respondents have failed to put in appearance and consequently no counter-affidavit has been filed on their behalf. Even today, no one has appeared on behalf of the respondents.

5. With these observations, we dispose of this O.A. finally.


(B. N. Dhoundiyal)
Member (A)


(S. K. Dharon)
Acting Chairman.