

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1389/2000

New Delhi, this 30th day of March, 2001

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P.Singh, Member(A)

Chotu
Mate, Hqrs. Office,
Kashmere Gate, Delhi-6

.. Applicant

(By Shri M.K.Bhardwaj, Advocate, not present)

versus

Union of India, through

1. General Manager
Northern Railway, New Delhi
2. Divisional Railway Manager
Northern Railway, New Delhi
3. Chief Administrative Officer
Const. Hqrs. Office
Kashmere Gate, Delhi

.. Respondents

(By Shri R.L. Dhawan, Advocate) and
Sh. P.M. Ahluwalia, Advocate

ORDER

By Shri M.P. Singh

U vide HA dt 2/1/01 of 23/7

The applicant has challenged the order dated 14.7.2000 by which he claims that he has been reverted from the post of Mate in which post he joined in service in 1975 to that of Khalasi. By the present OA he seeks direction to quash the said order dated 14.7.2000 and also direction to the respondents to regularise his service as Mate with all consequential benefits.


2. Applicant has placed reliance on the judgement of the apex court in the case of V.M.Chandra Vs. UOI 1999(1) SCSCJ 422 wherein it was held that Mate should be regularised in class III post, decisions of this Tribunal in K.Veerachamy Vs. UOI 1994(2) AIJ(2) 638 holding that Artisans in Class III posts holding temporary status should be regularised in Class III

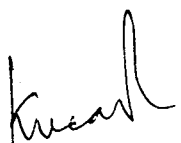
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posts only and also in OA 358/99 dated 19.9.91 of Jodhpur Bench holding that those casual labourers who are inducted in class III categories in Construction Wing of the Railway Department should be regularised in Class III only.

3. On the other hand, respondents in their counter have stated that the applicant was screened as Gangman against 40% construction reserve at his own will w.e.f. 1.4.84 and assigned lien on Delhi Division as per extant rules and would be promoted as Senior Gangman immediately on his joining Delhi Division and as Mate on regular basis in his turn as per seniority-cum-suitability. They deny that the judgements cited by the applicant are applicable in his case. They have submitted that the applicant can not be regularised as Mate directly as per rules and the law declared by the Supreme Court in the case of UOI Vs. Moti Lal & Ors. (1996) 33 ATC 304. The apex court in this case has made it clear that direct appointment to an exclusively promotional post even if continued for a considerable period does not entitle regularisation therein.

4. In view of this position, we do not find any merit in the present case and the OA is accordingly dismissed. No costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

/gtv/