

Central Administrative Tribunal --
Principal Bench

O.A. No. 1917 of 2000

New Delhi, dated this the 29th November 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Liyakat Ali,
S/o Shri Amir Bux,
Sr. Section Engineer (Construction),
Mordabad
under the control of C.A.O. (Const.),
Northern Railway, Kashmere Gate,
Delhi-110006. .. Applicants
(By Advocate: Shri K.K. Patel)

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.
2. Chief Administrative Officer (Const.),
Northern Railway,
Head Quarters Office,
Kashmere Gate,
Delhi-110006.
3. Divisional Railway Manager,
Northern Railway, Moradabad.
4. Sr. Civil Engineer Construction,
Northern Railway,
Moradabad. .. Respondents
(By Advocate: Shri B.S. Jain)

ORDER

S.R. ADIGE, VC (A)

Applicant seeks regularisation as Mate (Class III) with effect from the date he is being utilised as Mate with consequential benefits.

2. Heard.

3. Respondents do not deny that applicant who was initially engaged as a Casual Labourer (Class IV) in Moradabad Division on 5.8.77, and upon

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screening was subsequently regularised as Gangman vide order dated 17.1.95 (Annexure.A-2), is being utilised as Casual ^{Mate} (Class III) ~~Class~~ w.e.f. 30.11.78 in Construction Organisation.

4. In the written submission filed on applicant's behalf it has been conceded that applicant can be regularised only in the Division where he holds his lien namely Moradabad Division. Such regularisation has to be in accordance with rules and instructions on the subject. Indeed the Rajasthan High Court (Jodhpur Bench) too in its order dated 31.8.2001 in CWP No.2697/2001 Durbeen Singh Vs. UOI & Ors. has concluded that a substantive group D employee can be considered for confirmation only in his own parent cadre where he holds his lien and has no enforceable right to be considered for promotion/absorption on a deputation post. We are bound absolutely by that order. However, following the CAT PB order dated 17.10.2000 in OA No.661/97 Sher Singh & Ors. Vs. UOI & Ors. and connected case, which we ourselves have followed in our order dated 1.3.2001 in OA No.2132/2000 Shri Prabhu & another Vs. UOI & Ors. applicant would be entitled to protection of pay drawn by him in Construction Organisation as Casual Mate, till he is promoted in accordance with rules in Moradabad Division where he holds his lien.

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5. The OA is disposed of in terms of para 4 above. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

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