

11

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1403/88

New Delhi this the 20th day of January, 1994

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

1. Babu Singh S/O Shri Gurdial,
340-F, South Loco Colony,
Kanpur (UP).
2. Gopi Lal S/O Hoti Lal,
Block No. 143-U,
South Loco Colony,
Kanpur-4 (UP).
3. D. K. Moitra S/O T. P. Moitra,
620, Faith Pul Ganj, Cantt.,
Kanpur (U.P). ... Applicants

By Advocate Shri B. L. Madhok for Shri
B. S. Mainee

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Allahabad. ... Respondents

By Advocate Shri H. K. Gangwani

O R D E R (ORAL)

Hon'ble Mr. Justice V. S. Malimath —

The three petitioners started their career as Khalasis. They were in due course promoted on ad-hoc basis as Coal Checkers between 1976 and 1977. Unfortunately, their services were not regularised in that cadre. In the meanwhile they apprehended that they had lost further promotion to the cadre of Senior Clerks. Though belatedly, a reply has been filed in this case from which it is clear that the

respondents have taken steps to subject the petitioners to a test for the purpose of regularisation of their services as Coal Checkers. They have stated that the process of regularisation is underway. As the petitioners have been on ad-hoc basis for quite a long time, there is no justification for further delay. Hence, it is but proper that we should direct them to complete the process of regularisation within specified period.

2. The learned counsel for the petitioners submitted that the petitioners should not suffer because of the lethargy, indifference or delay on the part of the respondents in taking the requisite steps for effecting regularisation of their services. He, therefore, maintained that their services should be regularised with effect from the date from which they are working on ad-hoc basis. This also would not be just and fair to regularise them without subjecting them to the prescribed test. The regularisation should necessarily depend upon the number of vacancies and the petitioners being found fit and suitable for regularisation after the result of the test taken by them. Hence, we do not consider it just and proper to direct regularisation of the petitioners right from the date from which they were initially appointed on ad-hoc basis. At the same time, we would like to make it clear that it would not be proper to give the dates of regularisation from the date of order. The respondents should make an attempt to evaluate the number of permanent vacancies that were

13.

available in which the petitioners could be regularly appointed and to accord to them those deemed dates of regularisation of services.

3. For the reasons stated above, this application is allowed and the respondents are directed to take a decision in regard to regularisation of the services of the petitioners and to accord them deemed dates of regularisation in the light of the aforesaid observations, within a period of three months from the date of receipt of a copy of this order.

No costs.

S. R. Dige
(S. R. Dige)
Member (A)

V. S. Malimath
(V. S. Malimath)
Chairman

/as/