

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 1748/90

Date of decision: 26.02.92.

Shri Om Prakash

...Applicant

Vs.

Union of India through  
the General Manager, Northern  
Railway & another

...Respondents

For the Applicant

...Shri G.D. Bhandari,  
Counsel

For the Respondents

...Shri P.S. Mehendir,  
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *yes*
2. To be referred to the Reporters or not? *no*

JUDGMENT

(of the Bench delivered by Hon'ble Shri P.K. Kartha, Vice Chairman(J))

The applicant who has worked as Khalasi in the Railways since 02.05.1976 and as Hot Weather Waterman since 1983 is aggrieved by his non regularisation though some of his juniors have been regularised.

2. The applicant has acquired temporary status. He has been screened and medically examined. He has been found fit for C-II category.

3. The respondents have stated in their counter-affidavit that the applicant will be regularised in his turn if vacancy arises in C-11 category.

4. We have considered the matter. The case of the respondents is that the juniors of the applicants have been regularised pursuant to the stay orders issued by the Tribunal. In our opinion, the applicant has preferential rights over his juniors in the matter of regularisation. The applicant has not mentioned the names of the juniors and when they were regularised. The respondents have also not given the particulars of the cases in which stay orders have been granted by the Tribunal pursuant to which juniors were regularised.

5. In the above factual background, the application is disposed of with the direction to the respondents to consider regularisation of the services of the applicant if any vacancy is available in preference to his juniors. In case any person junior to the applicant has been regularised pursuant to the stay orders passed by the Tribunal, the applicant should also be similarly regularised.

6. The application is disposed of on the above lines. There will be no order as to costs.

*(B.N. Dhoundiyal)*  
(B.N. DHOUNDIYAL)  
MEMBER (A)

*26/2/72*  
(P.K. KARCHA)  
VICE CHAIRMAN (J)