

ED

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

D A No.55/90

New Delhi, This the 11th Day of August 1994

Hon'ble Shri J P Sharma, Member (J)

Hon'ble Shri P.T.Thiruvengadam, Member (A)

Shri Banarsi Dass S/o Shri Nihal Singh
aged about 33 years, working as
Diesel Cleaner at SSB Shed,
Sakurbasti, Northern Railway
R/o V & P O. Rawta, New Delhi - 110042.

...Applicant

By Advocate Shri Mahesh Srivastava

Versus

1. Union of India, Service to be effected
Through General Manager, Northern Railway
Baroda House, New Delhi.
2. Divisional Railway Manager
Northern Railway, Pahar Ganj,
New Delhi.

..Respondents

By Shri K K Patel, Advocate

ORDER (Oral)

Hon'ble Shri J P Sharma, Member (J)

1. The applicant at the time of filing this application was a Diesel Cleaner at SSB Shed, Sakurbasti. The case of the applicant is that he appeared in the screening test in 1980 as well as in 1985. But the applicant was not regularised and therefore he was again screened in 1987 and was given the benefit of regularisation with effect from 1987. While he is entitled to with effect from 1980 or alternatively with effect from 1985. The applicant has also referred to certain juniors Shri Ashwani Kumar who has been given the benefit of regularisation earlier. When the respondents did not respond to his representation he filed this application in November 1989 and prayed for the grant of relief that the benefit of regularisation be given to

the applicant with effect from 1980 or with effect from 1985 from the date junior Shri Ashwini Kumar was regularised. The applicant has also filed MA on 03 August 94 in which he has produced certain more documents on record. These documents show applicant has been in service in 1980 for sometime when he was medically examined. The documents also shows that he was contributing to the GPF and certain receipts in that regard has been filed. The minutes of PNM meeting held on 26.2.86 where certain decisions were taken in item No.14. These documents have been taken on record.

2. The respondents in their reply have opposed the grant of relief prayed for and has stated that the name of the applicant does not appear in the list of selected candidates circulated by the Divisional Office on 1.8.1985. It was also contested that the applicant has not completed 120 days continuously to acquire temporary status and, therefore, he was not eligible for regularisation.

3. The applicant has not filed any rejoinder. We heard the learned counsels for both the parties at length. The main grievance of the applicant is that though he was screened in 1985 his result has not been declared. We have also seen the departmental file which goes to show that due to administrative reasons the result has been withheld. There is a note on the file which states that since the applicant has qualified the 1985 screening test and he should be interpolated in the panel of 1985 above Shri Lak Raj in the second list at 465(Annexure A 1) instead of 542 in the seniority list.

4. We have given a careful consideration and also that the matter was passed in the PNM meeting of the representatives of the Union. In any case the respondents have to declare the result of screening test of 1985 of the applicant. Irrespective of pressure from the Union and if the applicant has cleared the screening test he should be interpolated in the panel of 1985 at the appropriate place irrespective of the fact that he has qualified in the screening test held in 1987.

5. The above OA is therefore disposed of with the direction to respondents to declare within 3 months the result of the screening test of the applicant held in 1985 and in case he has qualified the screening test irrespective of any administrative lapse or deficiencies he should be given seniority by inserting his name in the panel of the selection with reference 1985 screening.

5. The OA is disposed of accordingly. No costs.

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(P.T. THIRUVENGADAM)
Member (A)

J.P.S
(J P SHARMA)
Member (J)

LCP