

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 3119/1992

Date of decision: 11.05.1993

Shri Gulshan Parkash & Others

..Applicants

Versus

Union of India & Others

...Respondents

For the Applicants

..Shri J.K. Bali, Counsel

For the Respondents

...Shri Yunus Danyal, proxy counsel
for Shri I.C. Sudhir, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. S.R. ADIGE, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman(J))

On 2.12.92 notices were issued to the respondents on admission and interim relief. On 16.12.92, the respondents were granted 4 weeks time to file a reply. On 5.3.93, the respondents counsel prayed for 4 weeks further time to file a reply. The matter was directed to be posted today (11.05.1993). No reply has been filed. We are not inclined to grant any further time. In the absence of any reply, we have no option but to dispose of this application finally.

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2. The material averments are these. Between 3.1.1984 and 1.8.1985, the 8 petitioners before us commenced working as MCC Clerk/Typist in the Construction Organisation of respondents. Suddenly, in November, 1992, an order was passed to the effect that since the petitioners had been working on officiating ad hoc basis, they had been declared surplus to the requirement of the Organisation and, therefore, they had been repatriated to their parent offices where they would be posted against sanctioned posts.

3. Our attention has been drawn to a communication dated 11/15.2.1991 of the General Manager. This is addressed to the Chief Administrative Officer (Const.), Northern Railway. According to this communication, all those MCCs who are working on ad hoc basis for more than 3 years on the construction organisation will be regularised as such by their respective parent department where they hold their lien.

4. The officer concerned in the parent departments of the 8 petitioners shall examine the cases of the petitioners for regularisation as MCC in pursuance of the aforesaid communication of the General Manager. He shall do so as expeditiously as possible. If he comes to the conclusion that all or any of the petitioners are not eligible for regularisation as MCC, he shall give reasons and communicate the same to the person concerned. Till a decision is taken, the petitioners shall not be asked to perform the job which they were performing on their substantive post.

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5. With these directions, this petition is disposed of finally but without any order as to costs.

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(S.R. ADIGE)
MEMBER (A)
11.05.1993

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(S.K. DHAON)
VICE CHAIRMAN
11.05.1993

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