

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. NO. 1799/93

New Delhi this the 19th day of July, 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)  
Hon'ble Mr. R.K. Ahooja, Member (A)

Shri Kaptan Singh  
S/o late Shri Anar Singh  
R/o 6/190, Dakshinpuri Extn.,  
Madangir, New Delhi-110062.

....Applicant

(By Advocate: Shri M.L. Chawla)

Versus

1. Union of India  
through the Secretary to the  
Govt. of India, Ministry of  
Urban Development, Department of  
Works, Nirman Bhawan,  
New Delhi-110011.
2. The Superintending Engineer,  
Coordination (Electrical)  
Central Public Works Department,  
I.P. Bhawan, IV Floor,  
I.P. Estate, New Delhi-110002.
3. The Director-General (Works)  
Central Public Works Department,  
Ministry of Urban Development,  
Nirman Bhawan, New Delhi-110011.

...Respondents

(By Advocate: Shri D.S. Mahendru)

ORDER (Oral)

By Reddy, J.-

The applicant, was originally appointed on muster roll establishment as a Khalasi w.e.f. 1981. He was subsequently regularised as Assistant Wireman on muster roll in 1988. This order was, however, cancelled immediately thereafter. The applicant has been reverted as Khalasi and he continued to work as such. Subsequently, by an order dated 17.2.93 the applicant has been regularised as Assistant Wireman. The applicant, therefore, has been working as Assistant Wireman since 1993. This OA is filed on mere apprehension, that

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the respondents might revert him once again to the post of Assistant Wire-man on muster roll. (11)

2. The only contention of the applicant is that he has once been regularised in the post of Assistant Wireman in 1988 and again he was regularised in the said post in 1993, after illegally being reverted to the post of Khalasi on muster roll. It is, therefore, contended that the proposed action of the respondents in the second reversion to the muster roll is arbitrary and illegal.

3. Learned counsel for the respondents submits that the applicant has been continued without being reverted in the post of Assistant Wireman since 1993 and that the respondents have no intention to revert him to the post of Assistant Wireman and that, though an order was passed reverting the applicant to the post of Khalasi, the said order has not been given effect to.

4. In view of the stand taken by the respondents the grievance of the applicant about his reversion does not survive and no order need be passed in this regard.

5. But the learned counsel for the applicant contends that since he was regularised in the year 1988 in the post of Assistant Wireman, he is entitled to reckon his seniority to the post of Assistant Wireman w.e.f. 1988. This contention is wholly untenable. The earlier order of cancellation and reverting to the post of Khalasi has not been contested and the applicant has accepted the post on muster roll and has been working in that post for 5 years. He cannot make grievance regarding his seniority w.e.f. 1988, at this stage. This question is also barred by limitation.

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6. In view of the stand taken by learned counsel for the respondents that the applicant has been regularised in the post of Assistant Wireman w.e.f. 17.2.93, no relief can be granted to the applicant. The O.A. is accordingly disposed of. No costs.

*R. K. Ahooja*  
(R.K. Ahooja)  
Member (A)

*V. Rajagopala Reddy*  
(V. Rajagopala Reddy)  
Vice-Chairman (J)

cc.