

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No.390/93

Dated : 20.09.1993.

(5)

Sh. Dinesh Kumar Applicant
versus
Union of India & Ors. Respondents

Coram:-

The Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman

The Hon'ble Mr. B.N. Dhoundiyal, Member(A)

For the applicant : None

For the respondents : Sh. H.K. Gangwani, counsel

JUDGEMENT(ORAL)

(delivered by Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman)

The principal relief claimed in this application is that the respondents may be directed to treat the petitioner as having acquired a temporary status and give him the benefit of the judgement of this Tribunal in the case of Ms. Usha Kumari Anand Vs. Union of India reported in ATR 1989(2)C.A.T. P.37.

The material averments in the application are these. The petitioner is the son of a regularly appointed railway employee. He was appointed as Mobile Booking Clerk by the Railway Board. He was put to work under Station Superintendent, Northern Railway, Baraut. He worked in that capacity from 1.1.1986 to 9.9.1986.

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Counter-affidavit has been filed on behalf of the respondents. In it, the material averments are these. The petitioner was asked to report for duty but he did not turn up. It may be noted that in fact the petitioner had worked as a Mobile Booking Clerk from 1.1.1986 to 9.9.1986.

The pleadings in the case make it abundantly clear that the petitioner had worked as a Mobile Booking Clerk w.e.f. 1.1.1986 to 9.9.1986. Therefore, there can be no escape from taking the view that he had worked for 240 days so as to enable him to acquire a temporary status. In similar circumstances, this Tribunal in the afore mentioned case of Ms. Usha Kumari Anand Vs. U.O.I. had ruled that Mobile Booking Clerks in the Railways for various periods prior to 17.11.1986 deserve to be reinstated in service irrespective of the period of service put in by them.

The respondents are directed to treat the petitioner as having acquired a temporary status. They are directed to give him work as and when the same is available in accordance with the rules.

With these observations, the O.A. is disposed of finally. No costs.

B.N.Dhoniyal
(B.N. Dhoundiyal)

Member(A)

S.K.Dhaon
(S.K. Dhaon)

Vice-Chairman

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