

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 3rd day of June, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 389 of 1996

Brij Mohan S/O Sri Kamal Singh R/O Gaurav Shiksha Sadan
Junior High School, Nai Basti, Khurja Junction, Bulandshahar.
.....

.....Applicant.

Counsel for applicant : Sri B.N. Singh.

Versus

1. Union of India through the Divisional Rail Manager,
Northern Railway, Allahabad Division, Allahabad.
2. The Divisional Superintending Engineer, Northern Railway,
Allahabad Division, Allahabad.
3. Assistant Engineer/PQRS/TRT, Northern Railway, Fatehpur.
4. Chief Permanent Way Inspector/PQRS, Northern Railway,
Fatehpur.....

.....Respondents.

Counsel for respondents : Sri G. Saran.

O R D E R (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri B.N. Singh, learned counsel for applicant and Sri G. Saran, learned counsel for the respondents. We have also perused the pleadings.

2. The applicant herein has instituted this O.A. under section 19 of the A.T. Act, 1985 for issuance of a direction to the respondents to regularise him on the post of Mate and the order of reversion and transfer, if any, on the post of Gangman be quashed.

3. The case of the respondents ^{is} that the applicant was appointed as Gangman and on 30.7.2002 he was promoted to the post of Keyman and thereafter on 26.4.2004 he was promoted to the post of Mate. Service Book, summoned by the Tribunal, was produced by Sri G. Saran during the course of argument. A perusal of the Service Book would indicate

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that w.e.f. 24.4.84 the pay of the applicant was revised to Rs.246/- and he was "spared and transferred under PWI, PQRS w.e.f. 6.8.84 (AM) to work as Mate on temporary Gang in the grade of 250-270 (Rs.)". There appears to be an overwriting on the figure 250/- by writing figure '1' over figure '5' as if the applicant was spared and transferred to work as Mate on temporary gang on the grade of Rs.210-270. The pay of the applicant in the said grade was revised to Rs.250/- w.e.f. 24.4.85 altered as 24.4.84. Next revision of his pay to Rs.255/- was made w.e.f. 24.4.85 and to Rs.260/- w.e.f. 24.4.86. On the basis of the entry in the Service Book showing that the applicant was spared and transferred to work as Mate w.e.f. 24.4.84, Sri B.N. Singh submits that the applicant had been promoted to the post of Mate w.e.f. 6.8.1984. A letter dated 22.5.96 of Rail Path Nirikshak, pasted on the Service Book, however, makes it clear that the applicant was simply spared to work as Mate on a temporary post w.e.f. 6.8.1984 and he was never promoted to the post of Mate in the grade of Rs.225-308. It is further mentioned in the said letter that the applicant was working in the unit on the post of upgraded Gangman in the scale of Rs.210-270 and he was not selected for the post of Mate. No order of promotion has been filed by the applicant and it is stated in the supplementary C.A. that the applicant has since been promoted to the post of Keyman w.e.f. 30.7.02 and then to the post of Mate on 26.4.04 as stated supra, i.e. during the pendency of O.A.

4. The applicant, in our opinion, is not entitled to be regularised on the post of Mate - a selection post ^{merely} ~~mainly~~ because ~~if~~ he has worked as Mate in temporary arrangement for a period of more than three years, as stated in the O.A., in the absence of a scheme visualising regularisation of such Mate. In view of the above discussion, the O.A. is dismissed with no order as to costs.

Dhawan
A.M.

Q&J
V.C.