

06.3.2002

HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

HON. MAJ. GEN. K.K. SRIVASTAVA, MEMBER (A)

We have heard Shri Surendra Prasad learned counsel for the applicant and Shri K.P. Singh learned counsel appearing for the respondents.

This review application has been filed claiming the review of the order dated 26.3.01 passed in OA 1411/98. The applicants by filing the aforesaid OA claimed a direction to regularise the applicants on Group 'C' posts. They have also prayed ^{for} quashing of the order dated 31.12.1997 by which applicants were granted regularisation against newly created work charged posts of Group 'D' in Construction division. The claim of the applicants ^{is a} for regularisation in Group 'C' posts ^{on which they worked on casual basis} for the last several years and they were entitled to be regularised on the post as they were granted temporary status earlier. On the date fixed it appears that none appeared for the applicant and the Tribunal decided the case on merits stating that in view of the Full Bench judgment in 'Aslam Khan's' case the applicants cannot claim regularisation directly against Group 'C' posts. However, they may be granted regularisation against Group 'D' posts with pay protection. By the impugned order dated 31.12.1997 they have been ^{given} regularisation against Group 'D' scale against newly created work charged posts. The order further states that they will continue to work against Group 'D' posts until they are regularised for Group 'C' posts. Thus, the order substantially states the same legal position which has been ^{no case is made out} propounded by the Full bench decision in 'Aslam Khan's' case. The order does not suffer from any error of law and ~~calls~~ ^{no case is made out} for any review. The Review application is rejected. No order as to costs.

MEMBER (A)

VICE CHAIRMAN