

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 15th day of December, 2004.

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

M.A. No. 5284/04 along with

O.A. No. 1527 of 2004

Umesh Chand Pandey, aged about 45 years, son of Sri Satya  
Prasad Pandey, R/O Village Thikari, Post Office Babhani  
Methar, District Allahabad..... ....Applicant.

Counsel for applicant : Sri Swayambhu Lal.

Versus

1. Union of India through General Manager, Northern Railway  
(New North Central Railway), Allahabad.
2. Chairman/President, Railway Board, Northern Railway, Rail  
Bhawan, New Delhi.
3. Divisional Railway Manager, Northern Railway (New North  
Central Railway), Allahabad.

..... ....Respondents.

Counsel for respondents : Sri A.K. Gaur.

ORDER (ORAL)

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

Heard Sri S. Lal, learned counsel for applicant,  
Sri A.K. Gaur, learned counsel for respondents and perused  
the pleadings.

2. The applicant herein was appointed as Mobile  
Booking Clerk on honorarium basis and worked during 15.1.82  
to 27.1.82. Thereafter his engagement came to an end. It  
appears that he instituted O.A. No. 139/93 praying for  
issuance of a direction to the Railway administration to  
regularise him in service according to the scheme formulated  
by the Railway Board. The O.A. was dismissed. Thereafter,  
the applicant preferred Special Leave Petition before the  
Hon'ble Supreme Court. The Supreme Court set aside the  
order passed by the Tribunal and disposed of the appeal with  
a direction in terms of the direction given in the Miss Usha  
Kumari Anand Vs. Union of India and others, AIR 1989(2)

Par

(CAT) 37, with a direction to the respondents to examine the case of the appellant in accordance with the directions contained in paragraph 37 and 38 of the Tribunal's judgment in that matter. Thereafter the competent Authority considered the matter and passed the order dated 10.4.1996 rejecting the applicant's claim for regularisation. The applicant then preferred a Civil Suit No.54/98 which was dismissed by the Trial Court but in appeal preferred by the Department it was held not maintainable and second appeal came to be dismissed by the High Court vide order dated 2.8.2004. The O.A., instituted on 22.11.2004 is liable to be dismissed on the ground of delay and latches. However, we have heard counsel for the parties on merit also. According to the scheme formulated for regularisation, a casual worker can stake his claim for regularisation provided he has completed three years of service. The applicant in the instant case had completed only 12 days of service on casual and honorary basis. No case is made out for interference.

3. Accordingly, the M.A. for condonation of delay and the O.A. are dismissed.

No order as to costs.

*Ashok*

A.M.

*RC*

V.C.

Asthana/