

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. CHAUBE, 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 Hethar, District Allahabad.....

.....Applicant.

Counsel for applicant : Sri Swayambar 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.

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.....Respondents.

Counsel for respondents : Sri A.K. Gaur.

O R D E R (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, 4TR 1989(2)

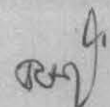
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(CAT) 37, with a direction to the respondents to examine the case of the appellant in accordance with the directions contained in paragraph 37 and 38 of the Tribunal's judgment in that matter. Thereafter the competent Authority considered the matter 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 laches. 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.


A.M.


V.C.

Asthana/