

(AM) (CW)

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH ALLAHABAD

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O. A. No. 1130/88

Rameshwar Applicants/Claimants.
vs.
G.M., Northern Railway Respondents.

Hon'ble Mr D.K. Agrawal, JM
Hon'ble Mr K. Obayya, A.M.

(By Hon. K. Obayya, AM)

This application was filed on 26.09.88 under Section '19' of the Administrative Tribunals Act, 1985 for a direction to the respondents to appoint the applicant on regular basis in Class-IV post in Northern Railway. The case stood adjourned from time to time and has come before us for admission and disposal.

2. When the case was called, neither the applicant nor his counsel was present. The counsel for the respondents was present. Counter has been filed. The applicant has not filed any rejoinder.

3. We have heard the learned counsel for the Respondents and perused the record.

4. The case of the applicant as set out in the application is that he was appointed as Casual Labour in the year 1971, in the Loco-shed, Balamau, in the Northern Railway. In 1987 he was sent for screening, but the result thereof was not announced; some of his juniors were regularised

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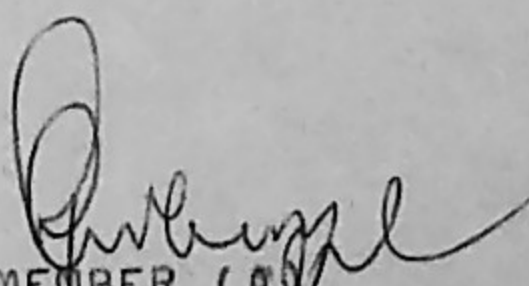
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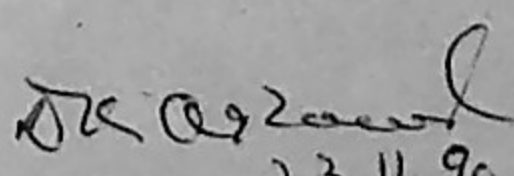
in the service, as such he has a rightful claim for regularisation in Class-IV post.

5. In the counter filed by the Respondents, it is denied that the applicant was sent for screening, as he failed to furnish particulars of his work from 1971 to 1986.

According to them, the applicant has worked only for 81 days during the period 10.09.71 to 10.02.72, as such he has not acquired any right for regularisation.

6. We have perused the record. In para 6(1) of the application, the applicant has stated that he has worked for 61 days. In support of this, he has filed the Labour Card (Annexure-4). This card discloses that the applicant has worked during 11.09.71 to 10.10.71, for a period of 30 days, and from 11.01.72 to 10.02.72 for 31 days; the total period worked comes to 61 days. The applicant has not furnished any other material to support his case. According to the rules in the Railway Establishment Manual, the right to be treated as a temporary employee accrues after continuous work for 120 days. The applicant's service falls far short of this. Taking these facts into consideration, we are of the view that no case is made out for regularisation of the service of the applicant. The application is liable to be dismissed, and accordingly it is dismissed; parties to bear their costs.


MEMBER (A)


23.11.90
MEMBER (J)

November 23, 1990.
Allahabad.

Karn/