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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 1st day of May, 2000

Original Application No. 226 of 1993

District : Mau

CURAM :-

Hon'ble Mr. S.K.I. Naqvi, J.M.

Hon'ble Mr. M.P. Singh, A.M.

Sunil Kumar Srivastava  
Son of Sri Raj Narain Lal Srivastava,  
Resident of L/32 J, Railway Colony,  
district Mau.

(Sri V.K. Srivastava, Advocate)

. . . . . Applicant

Versus

1. Union of India through  
General Manager, North East Railway,  
Gorakhpur.
2. Divisional Rail Manager,  
North East Railway, Lahartara,  
Varanasi.
3. Station Superintendent,  
Aaurihar North East Railway,  
Aaurihar.

(Sri D.C. Saxena, Advocate)

. . . . . Respondents

ORDER (Oral)

By Hon'ble Mr. S.K.I. Naqvi, J.M.

Sri Sunil Kumar has filed this application seeking a direction to the respondents to regularise his services as Class IV employees against the clear permanent vacancy and not to interfere in his work as Gatman since the date the juniors in service have been regularised. His prayer is based on the ground that he was engaged as casual labour since 16-3-1980 and worked for more than 120 days continuously and acquired status of temporary railway servant vide order passed

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by the competent authority. Since then the applicant is getting benefit of the pay scale, increment, Pass, P.T.Os and other benefits as are admissible for the Railway. He has also mentioned that he has worked for more than 10 years continuously and regularly without any break and his services are not liable to be terminated without following Rule 149 of the Railway Establishment Code and Section 25-F Industrial Disputes Act and thereby he becomes entitled to regular absorption and increment but the same has been denied<sup>i</sup> by the respondents. Therefore, he has come up before the Tribunal.

2. The respondents have filed their counter reply and it has been admitted that he has attained the temporary status and it has not been disputed that he is entitled to be considered for screening and permanent appointment but only in his turn.

3. Considered arguments placed before us and perused the record.

4. It is a matter in which nothing<sup>/t</sup> much is in dispute. The applicant claims and the respondents do not dispute that he has already attained the temporary status. As per the applicant's case some juniors have already been absorbed on regular basis but it has been categorically denied by the respondents.

5. Under the circumstances and facts mentioned above, the claim of the applicant for being considered

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for regularisations, after due screening, cannot be denied to him. Therefore, be direct the respondents to consider the regularisation of <sup>/the</sup> ~~the~~ services of the applicant as class IV employee, after due screening as per rules, at his <sup>turn</sup> ~~time~~, and shall not be placed below any office Juniors.

6. The O.A is disposed of with the above observations with no order as to cost.

  
A.M.

  
J.M.

/m. k. s/