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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 1602 of 1993

M.S.Kushwaha Applicant.

Versus

Union of India & Ors. Respondents.

Hon'ble Mr. S.Das Gupta, Member-A

Hon'ble Mr. T.L.Verma, Member-J

(By Hon'ble Mr. T.L.Verma, J.M.)

This application under Section 19 of the Administrative Tribunal's Act has been filed for issuing a direction to the respondents to regularise the services of the applicant by holding screening test and bring him on the permanent establishment of the Railway.

2. The case of the applicant in short is that he was appointed as a Bungalow Peon of the respondent No. 2 on 21.12.1989 by order dated (Annexure A-2). On his completing 120 days continuous work he was given temporary status by order dated 26.6.1992 (Annexure A-1). It is stated that the applicant was called for screening vide office order dated 10.2.1993 (Annexure A-3). He reported for the screening as directed, but the screening did not take place. It is alleged that some of the employees, junior to the applicant included in the letter (Annexure A-3) have been screened and permanently posted, but the ~~applicant~~ claim of the applicant has been unjustly ignored. The applicant after completing 3 years service, ~~has~~ as substitute Bungalow Peon, it is stated, ~~has~~ acquired a right for

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being considered for regular absorption in Class Iv service after the regular screening by competent authority, but the respondents have deliberately and for no valid reason, refused to screen and permanently absorb the applicant. Hence, this application for the reliefs mentioned above.

3. The respondents were directed not to terminate the services of the applicant nor deprive of him/his rights and his privileges due to him on account of his continuous working by order dated 10.11.1993. It is not disputed that the applicant is in service and is holding the post of substitute Bungalow Peon. The respondents disputed the claim of the applicant regarding his eligibility for being considered for permanent absorption at the time, the Counter Reply was filed, on the ground that he had not completed 3 years continuous service as substitute Khalasi at that time. It is not in dispute that the applicant was appointed as Bungalow Peon on 21.12.1989. He has, now, served for over 3 years in that capacity and has as such become entitled to the benefit of the instruction issued by the Northern Railway under letter No. E/227/14/C1. IV/8.Peon/VIII dated 12.5.1986 (Annexure-1). According to para 3 of the instructions as contained in Annexure A-1, a Substitute Bungalow Peon will be under trial for a period of 3 years. On completion of 3 years service as Substitute Bungalow Peon, he will be considered for regular absorption in Class IV service after required screening by a Committee of Officers and Fitness of medical etc.

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4. In view of the above and having regard to the fact that the applicant has already put in more than 3 years as Substitute Bungalow Peon, he is entitled to be screened for regular absorption in Class Iv service. We, accordingly allow this application and direct the respondents to consider the applicant for ~~being~~ regular absorption in Class IV service/after the regular screening by the Committee of the Officers and Fitness and Medical Examination. There will be no order as to costs.

J. S. Verma
Member-J

W. E.
Member-A

Allahabad Dated: 12th August, 1994

/jw/