

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 31st day of May, 2001.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No. 572 of 1993

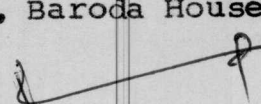
1. Krishna Chandra Mishra S/o Adya Prasad Mishra
R/o Vill. & Post Madanpur, Distt, Siddhartha Nagar.
2. Kamta Prasad Sharma S/o Sri Ram Nihore
R/o 16/23, Nai Basti, Sohbatiyabagh, Allahabad.
3. Vijay Pal Maurya S/o Late Jagga~~h~~ath Maurya
C/o Sri S.N. Pandey, 1/70, Rajroop Pur, Allahabad.
4. Dinesh Kumar Chaudhary S/o Sri Ram Murat Chaudhary
R/o Vill & Post Dailapur Distt. Basti.
5. Vijay Kumar Srivastava S/o Late Ramesh Chandra Srivastava
R/o Vill. Manchobha, Post- Kakarhata
Distt. Azamgarh. (U.P.)
6. Pramod Kumar Singh S/o B.P. Singh
R/o C/o Sri S.N. Pandey, 1/70, Rajroop Pur, Allahabad.
7. Arvind Kumar Singh S/o Sri Aman Nath Singh
R/o 16/23, Nai Basti, Sohbatiyabagh, Allahabad.

.....Applicants.

Counsel for the applicants :- Sri S.S. Sharma

V E R S U S

1. Union of India Owned and represented by the Northern Railway, Notice to be served upon the General Manager, Northern Railway, Baroda House, New Delhi.



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2. The Chief Administrative Officer/Construction,
Northern Railway, Kashmere Gate, Delhi- 6.
3. The Dy. Chief Engineer/ Construction,
Northern Railway, Allahabad.

.....Respondents.

Counsel for the respondents :- Sri G.P. Agarwal

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the Administrative Tribunal's Act, 1985, applicants have prayed for a direction to the respondents to absorb or regularise the applicants as Sub Overseer Mistry (SOM) class III post w.e.f the date of other appointments. It has also been prayed that respondents may be directed to pay salary in the grade of Rs. 1400- 2300 w.e.f 01.01.1986 as per extant rules. .

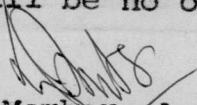
2. The facts in short are that the applicants were appointed as casual labour against group 'C' post of S.O.M. Jodhpur Bench of this Tribunal dt. 19.08.1991 in O.A No. 359/89 gave following direction :-

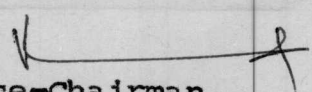
" In view of the above, we allow the application partly and direct the respondents to regularise the services of the applicants as S.O.M in class III within six months of this order after preparing a scheme for the purpose of regularisation of similar employees working as casual labour against Class III posts in Railways for long period. No order as to costs. "

3. It is not disputed that in pursuance of the afore-said order of this Tribunal, scheme was prepared by the Railways and in that scheme, applicants were allowed benefit

in which, ^{except} applicant No. 5 Sri V.K. Srivastava, ^{who} ~~was~~ failed ~~and~~ rest of the applicants have cleared the test and they have been appointed and this application has rendered infructuous. The question now remains whether applicant No. 5 can be allowed the second opportunity under the scheme. Sri S.D. Kapoor, holding brief of Sri G.P. Agarwal, learned counsel for the respondents has invited our attention to the scheme which is annexure CA- IV which provides that the special recruitment is a one time exception and will be restricted only to the number of the applicants. All applications, therefore, must reach on or before 05.05.94. Under no circumstances, the applications sent thereafter, will be considered. The persons who do not apply within the prescribed time will have no claim for regularisation of their services as Mistry/ Works under the special recruitment scheme. In the aforesaid clause of the scheme, it is clear that if applicant has failed, he can not be provided another chance. Such a direction is also not possible now in view of the Full Bench judgement of this Tribunal in case of Aslam Khan Vs. U.O.I & Ors. passed in O.A No. 57/1996 which held that a person directly engaged on group 'C' post (promotional post) on casual basis and has been subsequently granted temporary status would not be entitled to be regularised on group 'C' post directly but would be liable to be regularised in the feeder cadre in group 'D' post only. His pay, which he drew in group 'C' post will however, liable to be protected. In the circumstances, in our opinion, no order is required. The applicant No. 5 is not entitled for any relief in this O.A. The O.A is accordingly dismissed as infructuous in respect of other applicants and dismissed on merit in respect of applicant No. 5.

4. There will be no order as to costs.


Member - A.


Vice-Chairman.

/Anand/