

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

...

Original Application No. 282 of 1994

this the 22nd day of March 2004

HON'BLE MR. JUSTICE S.R. SINGH, V.C.  
HON'BLE MR. D.R. TIWARI, MEMBER(A)

S.M. Tripathi, S/o Sri B.P. Tripathi, aged about 45 years,  
R/o 166-A, Concrete Sleeper plant Colony, Subedarganj,  
Allahabad.

... Applicant.

By Advocate : S/Sri S. Agarwal & S.S. Sharma.

Versus.

1. Union of India owned and represented by N.R.,  
noticed to be served upon the G.M., N.R.,  
Baroda House, New Delhi.
2. The D.R.M., N.R., Allahabad.
3. The Dy. Chief Engineer, Concrete Sleeper plant, N.R.,  
Subedarganj, Allahabad.

... Respondents.

By Advocate : Sri A.K. Gaur

With

Original Application No. 1027 of 1996

S.M. Tripathi ... Applicant

By Advocate : S/Sri S. Agarwal & S.S. Sharma.

Versus.

1. Union of India owning and representing N.R., notice  
to be served to the G.M., N.R., Baroda House, New  
Delhi.
2. The G.M./CORE, Nawab Yusuf Road, Civil Lines,  
Allahabad.
3. The D.R.M., N.R., D.R.M. Office, Allahabad.
4. Sri K.M. Narain, Asstt. Personnel Officer, D.R.M.  
Office, N.R., Allahabad.
5. Shri Sheo Pujan, Divisional personnel officer, N.R.

RF

DRM Office, Allahabad.

6. Senior Engineer Concrete Sleeper plant, Subedarganj, Allahabad.

... Respondents.

By Advocate : S/Sri A.K. Gaur & A.V. Srivastava.

ORDER

PER JUSTICE S.R. SINGH, V.C.

Since both the O.As have been instituted by one ~~and~~<sup>2</sup> the same person and the reliefs claimed are based on same cause of action, it would be appropriate to dispose of the aforesaid O.As by a common order. Accordingly, counsel for the parties have been heard.

2. It appears that the applicant was initially appointed directly as mason Mistry (Horticulture) on daily wage under inspection of Works, Mirzapur on 10.12.1976. It is ~~disputed~~<sup>not</sup> that the applicant is highly qualified being M.Sc (Agriculture) with specialisation in Horticulture in 1st Division, standing second in order of merit in Allahabad University in the year 1972. The name of the applicant was forwarded by Agriculture Institute, Allahabad for the post of Horticulture Supervisor in Mirzapur sub-division in response to the circular made by the Divisional Engineer, Northern Railway, Allahabad. It appears that the applicant was transferred from Allahabad Division to Concrete Sleeper plant, Subedarganj, Allahabad as Sub-overseer Mistry (Horticulture) to manage Horticulture activities in newly set up factory vide order dated 23.8.80. The case of the applicant is that he was regularised as ~~temporary~~<sup>2</sup> ~~Sub-overseer Mistry~~<sup>Supervisor</sup> (Horticulture) and for this purpose, he has placed reliance on the proposal dated 15.9.1989, which has been annexed as Annexure A-6 on the representation preferred by the applicant for re-fixation of his pay in the grade of Rs.380-560/-(RS). The O.S. (II) submitted his report for fixation of applicant's pay

as per the chart given in Annexure-6. The report appears to have been vetoed by the A.O. Concrete Sleeper plant on 18.12.1990 and higher authorities <sup>who were directed to issue</sup> ~~appears~~ <sup>to have been</sup> ~~issued the~~ orders accordingly.

3. The case of the respondents is that the applicant can not lay his claim for regularisation in the Division as he belongs to concrete sleeper plant.

4. However, in the present case, we are of the view that the matter with regard to regularisation should be examined by the competent authority with reference to the relevant documents relied upon <sup>by</sup> the parties' counsel and a decision regarding the applicant's claim for regularisation be taken in accordance with law. The Tribunal will then be in a position to <sup>review &</sup> check the <sup>that may be</sup> correctness, legality or otherwise of the orders passed by the respondents. It is submitted by the applicants' counsel that the applicant has <sup>already</sup> preferred a representation and in the P.N.M. meeting with General Manager, <sup>was</sup> recommended for regularisation of the applicant <sup>as has been made</sup> by conversion of one post. However, the decision in this regard is to be taken by the G.M. The applicant may, however, file a fresh representation to the competent authority i.e. General Manager, North Central Railway, Allahabad, annexing thereto all the relevant documents within a period of two weeks from the date of communication of this order and the competent authority shall decide the same within a period of four months from the date of receipt of such representation, by a reasoned and speaking order under intimation to the applicant.

5. Both the O.As stand disposed of in terms of the above directions. Parties are directed to bear their own costs.

appeared by  
05/4/04

Sel/-  
AM

Sd/-  
ve