

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1363 of 1995

Allahabad this the 13th day of December, 2002

Hon'ble Mr. Govindan S. Tampi, Member (A)
Hon'ble Mr. A.K. Bhatnagar, Member (J)

Surendra Pratap son of Sri Phool Chandra Chauhan
R/o City/Mohalla, Dharmashala Bazar South Zatepur,
District Gorakhpur.

Applicant

By Advocate Shri Sahab Tiwari (Absent on 13.12.02)

Versus

1. Union of India through Divisional Railway Manager,
(NER) Lucknow.
2. Chief Personnel Officer, NER Railway, Gorakhpur.

Respondents

By Advocate Shri Prashant Mathur

ORDER (Oral)

By Hon'ble Mr. A.K. Bhatnagar, Member (J)

This O.A. has been filed to direct the respondents to consider the applicant for regularisation as Mobile Booking Clerk and ^{be} paid salary and other emoluments, which the regular employee are getting for the same post. It has also been prayed by the applicant that he be declared successful in the screening test.

2. The facts of this case are that the applicant was appointed as Mobile Booking Clerk in the year 1983. After completing 6 months services

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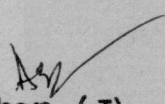
with full satisfaction of the higher authorities, the applicant including other candidates were not permitted to work as Mobile Booking Clerk. Aggrieved by the same, they have filed the case before Hon'ble Supreme Court. A direction was issued by the Hon'ble Supreme Court to regularise the services of all Mobile Booking Clerks. As per the direction of the Hon'ble Supreme Court, the respondent no.1 again invited applications and in response thereto the applicant had filed an application in April, 1991 and since then the applicant has been continuously working as Part Time Mobile Booking Clerk. It is submitted that the respondent no.1 by letter dated 22.08.1994 directed all Mobile Booking Clerks who have completed 1095 days till 01.07.1994 to appear before Chief Karmik Adhikari, Gorakhpur on 30.08.94 for screening test. The applicant appeared in the said screening test but could not find place in the selection list declared by the letter issued in November, 1994. The applicant moved several representations before the respondents and also met the higher authorities, but he has not been regularised. Aggrieved by the action of the respondents, the applicant has filed this O.A. for the abovementioned reliefs.


3. The respondents have contested the case and have filed their counter-affidavit. The main contention of the respondents is that as the applicant could not get success in the screening test, he is not fit for regularisation. Justifying their action by not regularising the applicant, the respondents have prayed for dismissal of the O.A.

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4. When the case was called out, none appeared for the applicant even in the revised list so we have proceeded under Rule 15 of the C.A.T.(Procedure) Rules, 1987, and have heard Shri Prashant Mathur, counsel for the respondents. Learned counsel for the respondents had drawn out attention to the fact that the O.A. is time barred. However, on perusal of the pleadings on record, it appears that the O.A. lacks in merit also. The applicant who was working as Part Time Mobile Booking Clerk appeared in the Screening Test for regularisation, but he was not declared successful. It is stated by the applicant that he was declared unsuccessful on the ground that he was not secured 50% marks in the High School Examination. On perusal of the letter issued in November, 1994, we have not found any such condition. Therefore, we are not satisfied with the averment of the applicant, as given in the O.A. After perusal of record, we found no ground on which any judicial indulgence is required for direction to the respondents to regularise the services of the applicant.

5. With the above discussions in view, the O.A. is dismissed being devoid of merits. No order as to costs.


Member (J)


Member (A)

|M.M.|