

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 27TH DAY OF FEBRUARY, 2001

Original Application No.643 of 1995

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.V.SRIKANTAN, MEMBER(A)

1. O.P.Shukla, Draftsman under C.A.O(Con),N.E.Railway, Gorakhpur.
2. Satya Nand Sharma, Drafts Man under C.A.O(Con),N.E.Railway Gorakhpur.
3. P.K.Dutta, Draftsman, under C.A.O(Con) N.E.Railway,Gorakhpur.

... Applicants

(By Adv: Shri R.P.Srivastava)

Versus

1. Union of India, through General Manager, N.E.Railway Gorakhpur.
2. Generan Manager(P)/Chief Personnel Officer, N.E.Railway Gorakhpur.
3. Chief Administrative Officer(Cons) N.E.railway,Gorakhpur.

... Respondents

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

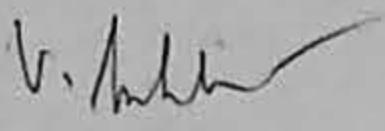
By this application u/s 19 of Central Administrative Tribunals Act 1985 the applicant has challenged the order dated 27.3.1995 by which applicant's claim for ^{treating} ~~keeping~~ them as regularised with back date, when they first appeared in the Screening test on 25.7.1985, has been refused. It is submitted by the applicant that they had passed the Screening test in the year 1985, they should have been given benefit of regularisation from that year as it has been given to persons junior to them.

Shri M.K.Sharma learned counsel for the respondents on the other hand, submitted that in fact applicants were not eligible in the year 1985 for a Screening test as they were over age and they also lacked academic qualification. It has been submitted that the relaxation was granted in favour of the applicants by the Railway Recruitment Board by order dated 13.9.1987 with the condition that regular appointment will have only prospective effect and not before the date on which they are considered for regularisation and absorption and found suitable. It is submitted that after relaxation was granted a fresh test was held in 1988 in which applicants ^{Were} found suitable and they were entitled for regularisation on 28.1.1989. It is submitted that the order dated 27.3.1995 is proper and does not suffer from any illegality.

We have considered the submissions of the counsel for the parties and in our opinion in the facts and circumstances of the case applicants ^{are} ~~is~~ not entitled for the relief claimed. As applicants ^{were} ~~was~~ not qualified and eligible to appear in the Screening test in 1985 ^{They} ~~they~~ cannot claim advantage on the basis of the same. After ^{the} relaxation with regard to the qualification and age was granted by Board on 13.9.1987 their suitability was again tested in 1988 and they have been rightly treated regularised from 1989, the applicants could not ignore the conditions in the order dated 13.9.1987 and claim regularisation from 1985.

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The application has no merit and is accordingly rejected. There will be no order as to costs.


MEMBER (A)


VICE CHAIRMAN

Dated: Feb . 27th, 2001

/Uv/