

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 30TH DAY OF NOVEMBER, 2000

Original Application No.1128 of 1999

CORAM:

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

HON.MR.S.DAYAL, MEMBER(A)

1. Virendra Nath pandey,a/a 36 years
Son of Late Mukta Nath Pandey
R/o Vill Tetri Bazar, Post
Usaka Bazar, Sidharthnagar.
2. Surya Prakash Singh a/a 35 years
S/o Sri Matsa Raj singh, Village
Semara Hardopatti, Distt. Kushsinagar
3. Alok Kumar Singh,a/a 39 years son
of Sri Indira Daman Singh, resident
of village &Post Madhopur,
Gorakhpur.

All group C employees in the North
Eastern Railway, Gorakhpur.

... Applicants

(By Adv: Shri R.P.Singh)

Versus

1. Union of India through the Secretary
Ministry of Railway, New Delhi.
2. The General Manager, North Eastern
Railway, Gorakhpur.
3. The General Manager(P)
N.E.Railway Gorakhpur.

... Respondents

O R D E R(Oral)

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

By this application u/s 19 of the A.T.Act 1985 the applicants have challenged the order dated 31.12.1997(Annexure6) and order dated 3/6/7.5.1998(Annexure9). They have further prayed for a direction to the respondents to regularise the applicants in group 'C' cadre. It is not disputed that applicants were appointed on group 'C' posts on casual basis. They claimed regularisation. By the impugned order they have been regularised in group 'D' post and it has been observed that their regularisation for group 'C' shall be consider

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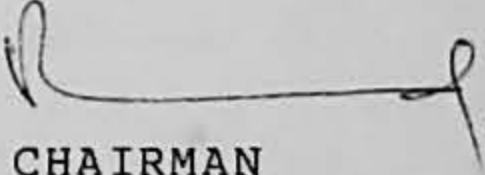
later on. The learned counsel for the applicant has submitted that applicants were appointed against group(c) posts they should have regularised in group 'c' and not in group 'D' post.

A Full Bench of Jaipur Bench of the Tribunal in case of 'Aslam Khan Vs. Union of India and others in OA 57/96 has considered this question vide order dated 30.10.2000 has held in para 9 as under:-

"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 GroupC post directly, but would be liable to be regularised in the feeder cadre in group D post only. His pay which he drew in the Group C post, will however be liable to be protected."

The present case is squarely covered by the judgement of the Full Bench and in our opinion there is no error in the order regularising the applicants for Group D posts. The application is accordingly rejected.


MEMBER(A)


VICE CHAIRMAN

Dated: 30.11.2000

Uv/