

C.L.  
Regulation

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

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O.A. No. 278 OF 1988  
T.A. No.

DATE OF DECISION 7-6-1993

Harion Shivprasad Avasthi & Ors. Petitioner s

Mr. R.V. Deshmukh, Advocate for the Petitioner(s)

**Versus**

Union of India & Ors. Respondents

Mr. B.R. Kyada, Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

The Hon'ble Mr. M.R. Kolhatkar, Admn. Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

1. Hariom Shivprasad Ayasthi,  
2. Vijaykumar Asumal Chawda,  
3. Mohmd. Yasin Noormohammad,  
4. Veljibhai Ramabhai Rabari  
All working as Khalasis at  
A/C Dept. Ahmedabad Rly. Station,  
C/o. 24, Vairatnagar (Sardar Chowk)  
Isanpur, Vatva Road,  
Ahmedabad.

.... Applicants.

(Advocate: Mr. R.V. Deshmukh)

Versus.

1. Union of India  
(Notice to be served upon  
The General Manager,  
Western Railway, Churchgate,  
Bombay.
2. The Divisional Railway Manager,  
Western Railways,  
Kothi Compound, Rajkot.
3. The Deputy Chief Electrical  
Engineer, Workshop Ajmer,  
Nagra Western Railway,  
Ajmer.

.... Respondents.

(Advocate: Mr. B.R. Kyada)

ORAL ORDER

O.A. 278 OF 1988

Date: 7-6-1993.

Per: Hon'ble Mr. R.C. Bhatt, Judicial Member.

Heard Mr. R.V. Deshmukh, learned advocate for  
the applicants and Mr. B.R. Kyada, learned advocate  
for the respondents.

2. This application under section 19 of the  
Administrative Tribunals Act, 1985, is filed by four  
applicants, who were working as Khalasi at A/C depart-  
ment, Ahmedabad Railway Station, seeking the following  
reliefs:

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"1) As per the judgments of Supreme Court in cases of Nehru Yuvak Kendra and C.P.W.D. reported in 1986 SCC 637 and 1986 SCC 639 respectively no employer can keep the employee on temporary basis for long time if work exists and the vacancies exist.

2) Although applicants are working since 1980 and are qualified to be regularly absorbed; by passing screening test in 1982 and the Medical test in B/1 category and although they are working against clear vacancy, their services are not regularised but fresh recruitments of about 80 persons from open market on regular basis is made.

3) The applicants are given temporary status as back as in the year 1983 and, therefore, now their services must be regularised. "

3. The respondents have filed detailed reply in which they have contended that the services of the applicants are regularised and therefore, they do not deserve any relief as prayed for. It is further contended by the respondents in the reply that the applicants have been given the due benefit of regularisation or regular appointment and therefore, nothing remains to be implemented by the respondents as per their service conditions.

4. The learned advocate Mr. Deshmukh for the applicants submitted that the applicants had two grievance, namely that they had not been regularised and secondly that the applicants should have been regularised from the date when the immediate juniors were regularised. He submitted that as per the

reply of the respondents the services of the  
applicants have been regularised and hence he submits  
that the applicants' first grievance no longer <sup>survives</sup> ~~remains~~  
but according to him, the applicants should be  
regularised from the date when their immediate juniors  
were regularised. The learned advocate for the  
respondents submits that no junior to the applicants  
have been regularised and therefore, the question of  
giving the <sup>deem</sup> ~~deem~~ date of regularisation to the  
applicants does not <sup>survive</sup> ~~survive~~. Mr. Deshmukh for the  
applicants submits <sup>that</sup> the applicants be permitted  
to make representation to the respondents that in case  
the juniors to the applicants have been regularised  
from the date earlier to the regularisation of the  
service of the applicants, then the respondents should  
consider their claim and should decide accordingly.  
In this view of the matter the following order is  
passed.

ORDER

The application is dismissed with permission  
to the applicants to make representation to the  
respondents for <sup>deem</sup> ~~deem~~ date of regularisation in case  
the juniors to the applicants are regularised earlier  
to the date of regularisation of services of the  
applicants. The applicants may make such representa-  
tion pointing out the names of such juniors to the

respondents within one month from today and on getting such representation the respondents to dispose of their representation according to rules within three months thereafter. Application is disposed of with no order as to costs.

M/R Kolhatkar

(M.R. Kolhatkar)  
Member (A)

R.C.

(R.C. Bhatt)  
Member (J)

vtc.