

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, DELHI

Ahmedabad Bench.

O.A No. 295/90

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DATE OF DECISION 26.4.1991

Shri Chandulal Chhaganlal Baria Petitioner

Mr. Pradeep Royee Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent

Mr. N. S. Shevde Advocate for the Respondent(s)

CORAM .

The Hon'ble Mr. P. H. Trivedi : Vice Chairman

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

JUDGMENT

: 2 :

Shri Chandulal Chhaganlal Baria,
Chargeman 'B' Railway Workshop,
(SSCNW) Pratapnagar,
Vadodara.

(79) : Applicant

(Advocate: Mr. Pradeep Royee)

Versus

1. The Works Manager,
Western Railway,
Pratapnagar, Vadodara.
2. Union of India
Through:
The Secretary,
Railway Board, RailwBhavan,
New Delhi.
3. General Manager,
Western Railway,
Churchgate, Bombay.

: Respondents

(Advocate: Mr. N.S. Shevde)

O R A L O R D E R

O.A./295/90

Date: 26.4.1991

Per. Hon'ble Mr. P.H. Trivedi

: Vice Chairman

Heard Mr. Pradeep Royee and Mr. N.S. Shevde, learned advocates for the applicant and the respondents. The case is admitted.

2. The post of Chargeman 'A' has already been downgraded and the applicant is in the post of Chargeman 'B'. The relief in Sub-clause (C) of the application is therefore now not pressed for. The only relief for consideration is for direction to regularise the applicant on the basis of Chargeman 'B' retrospectively ~~and~~ since 1.2.1986. There is no dispute that the applicant has been appointed adhoc in this post since 1986 ~~and~~ that he has failed in a ~~test~~ offered to him in 1986. Learned advocate for the respondents states that thereafter a pre admission training was offered to him but was not availed of by him. The present plea is only regarding regularisation in the post of Chargeman 'B' retrospectively on the ground that the applicant ~~having~~ been appointed to that post and continued in that post for such a long period as about five years, ~~the~~ post ~~is~~ ^{being} a selection post and in which promotion has to be made

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after examination from eligible Grade I. In the facts and circumstances therefore it is not possible to regularise the applicant either now or retrospectively without ~~and~~ until his passing such a test. Learned advocate for the applicant has cited instructions in which it is stated that he has to be given training to facilitate his passing the examination. It is, therefore, adequate and appropriate that the following direction be issued for the disposal of the case.

3. The respondents Railway Administration on holding a test for examination for Chargeman 'B' in the year 1991 allowed an opportunity to the applicant to be tested in it and deal with his case as a result thereof regarding his regularisation in the post according to rules and instructions applicable and also to consider him for any training if he is entitled to it in the event of his failure according to rules and instructions if ~~and~~ to the extent applicable. With these observations and directions, the case is disposed of. No orders as to costs.

Renu

(R.C.Bhatt)
Judicial Member

Phiriy

(P.H.Trivedi)
Vice Chairman

a.a.b.