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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.251 OF 1995
Cuttack this the 21st day of December, 1999

Smt.Piari & Others

Applicants

-Versus-

Union of India & Others

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the ~~Central~~ Central Administrative Tribunal or not ?

Somnath Som
(SOMNATH SOM)
VICE-CHIEF JUDGE
1999

21.12.99
(G.NARASIMHAM)
MEMBER (JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 251 OF 1995
Cuttack this the 21st day of December, 1999

CORAM:

THE HON'BLE SHRI S. M. NARASIMHAM, VICE-CHAIRMAN
AND
THE HON'BLE SHRI G. NARASIMHAM, MEMBER (JUDICIAL)

...

1. Smt. Piari, daughter of Jumbari, aged about 39 years, at present working as Multi Purpose Khalasi, in the Office of the Chief Project Manager, S.E.Railway, Sambalpur
2. Smt. Bari, aged about 45 years, D/o. Sabna, at present working as Multipurpose Khalasi, Chief Project Manager, Construction, S.E.Rly, Sambalpur
3. Mallha, aged about 44 years, d/o. Bikram, at present working as Multipurpose Khalasi, Chief Project Manager, Construction, S.E.Rly, Sambalpur
4. Mala, aged about 43 years, d/o. Sapari, at present working as Multipurpose Khalasi, Chief Project Manager, Construction, S.E.Rly, Sambalpur

By the Advocates	...	Applicants
		A. Deo, B. S. Tripathy, J. K. Mishra, M. Rath

-Versus-

1. Union of India represented by the General manager, S.E.Railway, Garden Reach, Calcutta, West Bengal
2. Chief Administrative Officer, S.E.Railway, Chandrasekharpur, Bhubaneswar, Dist: Khurda
3. Chief Project Manager, S.E.Railway, Bhubaneswar, District : Khurda
4. Deputy Chief Personnel Officer, S.E.Railway, Construction, Bhubaneswar, District : Khurda
5. Chief Project Manager, S.E.Railways, Sambalpur, District : Sambalpur
6. Permanent Way Inspector, S.E.Railway, Dhenkanal, At/Po/District: Dhenkanal

By the Advocates	...	Respondents
		M/s. B. Pal O. N. Ghosh

...

ORDER

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MR.G.NARASIMHAM, MEMBER(JUDICIAL): Applicants, who were regularised in Railway Service with effect from 31.5.1994 filed this application to direct the respondents(Railways) to regularise their services with effect from the year 1984 on the ground that they joined as casual labourers in the year 1980 in the Office of Res.⁴ and in the year 1984, they were made casual permanent labourers and their names entered in the muster roll.

2. Respondents in their counter though admit that the applicants were initially engaged on daily rated basis as casual labourers during the year 1980, as per judgment of the Apex Court in ~~Inde~~rpal Yadav case decided on 18.4.1985, the applicants were granted temporary status during 1984. Thereafter there were no sanctioned posts. Hence question of regularising the services of the applicants did not arise. Only during the year 1993, Financial Advisor(Construction)/S.E.Railways agreed to create 240 P.C.R. posts in the scale of Rs.740-940/- subject to the sanction of C.A.O.(P). Only on 31.5.1994, administrative approval was accorded. As per this decision the applicants and others were given regular status on provisional basis with effect from 31.5.1994, but the actual sanction for such creation was finally accorded by the competent authority on 31.10.1995.

No rejoinder has been filed.

3. We have heard Shri B.S.Tripathy, learned counsel for the applicants and Shri B.Pal, learned senior counsel appearing for the respondents. Also perused the records.

Regularisation in service will depend on the

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availability of vacancies. Vacancies were created only on 31.5.1994 after the applicants had acquired temporary status. Hence question of their regularisation with effect from the year 1984 would not arise.

In the result, we do not see any merit in this application which is accordingly dismissed leaving the parties to bear their own costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
21/12/99

21.12.99
(G.NARASIMHAM)
MEMBER(JUDICIAL)

B.K.SAHOO