

O.A.Nos.275 & 280/2001

Order dated 16.2.2004

In both the cases none appeared on behalf of the applicants when called nor there was any request made on their behalf seeking adjournment. These being year-old cases of 2001 it is not possible to drag the matter indefinitely, especially in the absence of any request for adjournment. We have however, heard the learned counsel for the Respondents Shri D.N.Mishra (separately) and perused the materials placed on records. Since both the cases arise out of similar cause of action and the point to be decided being one and the same, we dispose of both the cases through this common order. For the sake of convenience, we refer the facts of O.A.No.275/2001.

The applicant joined as a casual Khalasi in the year 1974 in the Construction Organisation under the Railways. In course of time, he was promoted as Massion, Gr.III on 1.7.1981 and subsequently, Massion Gr.II on 18.3.1984. The applicant, thereafter has claimed to have been promoted to Massion, Gr.I on 1.11.1988, by virtue of the order No. 207 dated 1.12.1988. Thus he claims regularisation in the post of Massion, Gr.I.

The Respondents, on the other hand, have taken a stand that the applicant was no doubt allowed to serve as Massion, Gr.I as a stop-gap-measure due to exigencies of service, but there was no regular post available for him. Subsequently, while implementing the policy decision the adhoc promotion order was withdrawn



and therefore, the applicant might have been aggrieved by such administrative action has filed this case. Shri D.N.Mishra on instruction has submitted that after the applicant filed this case, he has joined in his original post as Massion Gr.II with effect from 1.7.2001. In this background, the application has become infructuous.

For the reasons discussed above, we find that there is no merit to issue a direction to Respondents to appoint both the applicants to the post of Massion, Gr.I on regular basis. But, however, the Respondents shall consider their case in the available posts on regular basis as and when such exigencies arise.

With the above observation, both the O.As are disposed of as infructuous. No costs.

Sd/- B. Paragjoshi  
VICE-CHAIRMAN(U)

Sd/- B.N. Sam  
VICE-CHAIRMAN(A)