

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR.

Date of Order: 13.11.1998

- (1) O.A. No.267/95 Satya Pal Singh s/o Shri Shiv Ram Singh, employed as Material Chasing Clerk under Dy. Chief Engineer (Construction-I), Northern Railway, Jodhpur, r/o Q.No.2175, New Railway D.S.Colony, Jodhpur.

... Applicant

VERSUS

1. Union of India through General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. General Manager (P), Northern Railway, Headquarters Office, Baroda House, New Delhi.
3. Chief Administrative Officer (Const.), Northern Railway, Kashmiri Gate, Delhi.
4. Dy. Chief Engineer (Construction-I), Northern Railway, Jodhpur.

... Respondents

- (2) O.A. No.407/96 Lal Jee s/o Shri Shyamoo Ram, working as Material Checking Clerk under Permanent Way Inspector (Construction), Northern Railway, Suratgarh, r/o E-35 B, Railway Colony, Near Railway Hospital, Suratgarh.

... Applicant

VERSUS

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Administrative Officer (Construction), Northern Railway, Kashmiri Gate, Delhi.
3. Dy. Chief Engineer (Construction), Northern Railway, Bikaner.
4. Permanent Way Inspector (Construction), Northern Railway, Suratgarh.
5. Divisional Personnel Officer, Northern Railway, New Delhi.

... Respondents

Copied by

- (3) O.A. No.127/97 Rakesh Kumar Sharma s/o Shri Sita Ram, r/o Lal Garh Rly. Qtr. No.241-D Old Railway Colony, Bikaner, at present employed on the post of MCC in the office of PWI (C), Lal Garh, Northern Railway.

... Applicant

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Delhi Division, New Delhi.
3. The Deputy Chief Engineer (Construction), Northern Railway, Bikaner.
4. The Chief Administrative Officer (Construction), Headquarters Office, Kashmir House, New Delhi.

... Respondents

Mr. Y.K.Sharma, Counsel for the applicants in O.As. Nos.267/95 and 407/96.

Mr. J.K. Kaushik, Counsel for the applicant in O.A.No.127/97.

Mr. S.S.Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. Gopal Singh, Administrative Member

O R D E R

Per Hon'ble Mr. Gopal Singh

Facts of the cases in all these applications are same and relief sought is also the same and as such all these applications are disposed of by this single order.

2. Satya Pal Singh, applicant in O.A. No.267/95, was initially appointed as Casual Labour Storeman w.e.f. 19.7.1980

Satya Pal Singh

and his services are being utilised as MCC w.e.f. 4.10.1991 in terms of the respondents letter dated 4.8.1997. It is seen that the applicant has been treated as working on the post of MCC w.e.f. 15.1.1986 and he has been paid the arrears on account of re-fixation of his pay as MCC w.e.f. 15.1.1986.

3. Lal Jee, applicant in O.A. No.407/96, was initially appointed as Casual Labour Khalasi w.e.f. 26.7.1980, was granted temporary status w.e.f. 1.1.1984 and his services are being utilised as MCC w.e.f. 13.8.1985.

4. Rakesh Kumar Sharma, applicant in O.A. No.127/97, was initially appointed as Survey Khalasi w.e.f. 3.6.1981 and his services are being utilised on the post of MCC w.e.f. 24.9.1987.

5. All these applicants have sought regularisation on the post of MCC in terms of Northern Railway Headquarters' order dated 11/15.2.1991.

6. Notices were issued to the respondents and they have filed their reply.

7. We have heard the learned counsel for the parties and perused the records of the case.

8. The learned counsel for the respondents while contesting the applications has submitted that all these applicants are being utilised as MCC on purely ad hoc

Copal Singh

temporary local arrangement basis. Their appointments to the post of MCC is outside the line of their promotion channel and, therefore, illegal. It is seen from the records that the services of the applicants are being utilised on the post of MCC for the past 10 to 12 years and at this stage the respondents cannot be heard saying that the utilisation of the applicants on the post of MCC is illegal and, therefore, does not confer any right on them for regularisation on the post of MCC.

9. Northern Railway Headquarters' order dated 11/15.2.1991 dealing with regularisation of service of MCCs working on ad hoc basis is extracted below:

"The above issue has been examined in detail and it is advised that the MCCs who are working on adhoc basis for more than 3 years in const. organisation will be regularised as such by their respective parent deptt. where they hold their lien i.e. from where they have been drafted to const. organisation. Further action in this regard may, therefore, please be taken accordingly."

10. It is clear from the above order that MCCs who were working on ad hoc basis for more than 3 years in Construction Organisation will be regularised as such by their respective parent department. It is also seen that the applicants have put in more than 3 years of ad hoc service as MCC on 15.2.1991 and as such we are of the opinion that they are entitled for regularisation on the post of MCC in terms of Northern Railway Headquarters' order dated 11/15.2.1991.

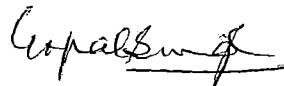
11. All these O.As. are accordingly allowed with the

Carpal Singh

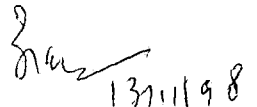
122

direction to the respondents to consider the regularisation of the applicants on the post of MCC in terms of Northern Railway Headquarters' order dated 11/15.2.1991, within a period of three months from the date of issue of this order.

12. Parties are left to bear their own costs.

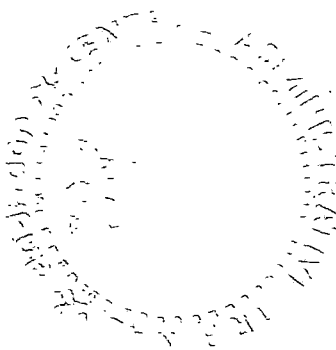


(Gopal Singh)
Administrative Member


13/11/98

(A.K. Misra)
Judicial Member

Aviator/



~~Copy~~
~~17/1/98~~
Recd
18/11

R/Copy
on 18/11
BIC

Part II and III destroyed
in my presence on 5-4-06
under the supervision of
section officer (1) as per
order dated 20/2/2006

Section officer (Record)