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CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R

Date of order :12.7.95

1.O.A.No.272/95

Nethi Lal : ... Applicant

Vs.

Union of India & Ors. : ... Respondents

2. O.A.No.274/95

Durbeen Singh : ... Applicant

Vs.

Union of India & Ors. : ... Respondents

Present

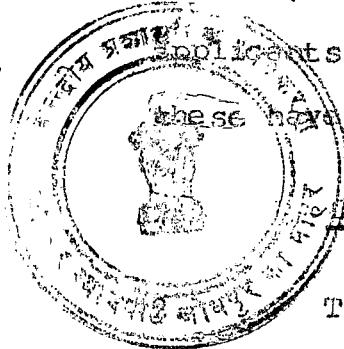
Mr.Y.K.Sharma, Counsel for the applicants.

COMMISSION :

THE HON'BLE MS.USHA SEN,ADMINISTRATIVE MEMBER

BY THE COURT

As these two O.As involve a common question of law they are being disposed of by a single judgment. However, since the facts regarding the services of the applicants in these two O.As ~~they~~ are somewhat different these have been narrated separately below :



O.A.No.272/95

The applicant was regularised as Gangman on 26.3.91 and his lien was fixed in the Bikaner Division vide the letter dated 26.3.91 at Annex.A-2.The applicant was transferred to the Construction division on 25.7.91 and has been working there since then. His lien was

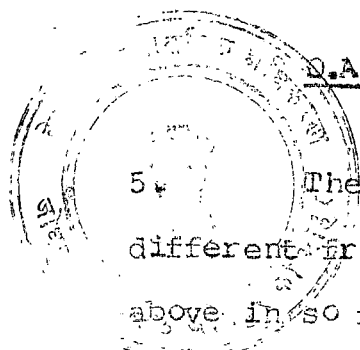
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however retained in the Bikaner Division as per the statement of the counsel for the applicant. The counsel for the applicant stated during the course of hearing that the applicant has been promoted on an ad hoc basis as MCC and working as such since 16.12.91. In support of this contention he has referred to the communication at Annex.A-3 which is from the Dy.Chief Engineer (C), Bikaner and his own representation at Annex.A-1.

3. The applicant has approached this Tribunal through this O.A. praying that the respondents should be directed to regularise him in the post of MCC in terms of the letter of the respondent no. 2 dated 11/15.2.91 which is placed at Annex.A-4. The applicant made a representation for regularisation as MCC dated 21.1.95 at (Annex.A-1) which was forwarded by the respondent no. 2 vide his letter dated 31.1.95 ~~xx~~ (Annex.A-7) to the respondent no.3. The applicant submitted another representation in this regard on 9.3.95 which is filed at Annex.A-8. No reply has been received to these representations. He has also mentioned in the O.A. that many other MCCs working on an ad hoc basis in the Bikaner Division have been regularised vide the letter dated 21.12.92 at Annex.A-5. He has ^{further} ~~also~~ referred to the letter dated 1.2.93 from the respondent, Dy.Chief Personnel Officer/C, Kashmere Gate, Delhi at Annex.A-6, which gives a direction to the concerned authorities to take immediate steps to regularise MCCs working in the Construction organisation on an ad hoc basis

for abnormally long periods.

4. In order to save time and labour of all concerned parties ⁱⁿ ~~and~~ the process of litigation I consider that a direction may be given to the respondents at this stage to examine the representations of the applicant at Annexs. A-1 and A-8 and give a reply thereto by a speaking order within a period of three months from the date of communication of this order. The respondents are hereby directed accordingly. In case, the applicant is still aggrieved by the reply to the representations he would be free to take up the matter again with this Tribunal. A copy of the O.A. may be sent to the respondents alongwith a copy of this order.



O.A. No. 274 /95

5. The facts of the applicant of this O.A. are different from those of the applicant of the O.A. discussed above. In so far as this applicant was regularised as a Khalasi in the Indian Railways Conference Association ("IRCA" for short), New Delhi and his lien is maintained there. He was then transferred to the Construction Wing of Northern Railway at Jodhpur w.e.f. 29.8.91 where he was allowed the grade of Rs.950-1400 vide the letter dated 12.11.91 at Annex.A-6. The applicant had been promoted as G.Operator before his transfer to Jodhpur. He has been utilised as a Receipt Clerk since 25.3.92 vide the letter of the Chief Engineer (C), Northern Railway, Jodhpur at Annex.A-7. The applicant has been working in this

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grade of Rs.950-1500 for over three years but his services have not been regularised as a Clerk. The applicant made a representation dated 26.3.95 (Annex.A-1) in this regard. He submitted another representation dated 5.4.95 which is at Annex.A-11 with the request to regularise him as a Clerk.

6. The rest of the averments in this O.A. are not materially different from those of the OA No. 272/95 discussed above. As such, the order passed in para 4 in respect of that O.A. would apply equally to this also except that the representations which are to be replied to are at Annexes. A-1 and A-11 in this case. The respondents may take action accordingly.

7. With these directions both the O.As stand disposed of at the admission stage.

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(USHA SEN)
Adm.Member

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