

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

O.A. No.74/1995

Date of Order: 9.10.1998

Teja Ram s/o Shri Bhagwana Ram, Typist in the Office of Dy. Chief Engineer/Const., Northern Railway, Bikaner, r/o Q.No.233-F, New Railway Colony, Behind Railway Hospital, Lalgarh, Bikaner.

... Applicant

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Administrative Officer/Const., Northern Railway, Kashmeri Gate, Delhi.
3. Dy. Chief Engineer/Construction, Northern Railway, 30, Civil Line, Near Dhola Maru, Bikaner.
4. Divisional Railway Manager, Northern Railway, Bikaner, Bikaner.

... Respondents

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

Mr. V.D. 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

Applicant, Teja Ram, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for issuing a direction to the respondents to regularise the services of the applicant as Typist in the grade 950-1500 with all consequential benefits.

*Gopal Singh*

2. Applicant's case is that he was engaged as a Khalasi on 5.2.1980 and his services are being utilised as a Typist from the date of his initial appointment and he was promoted on ad hoc basis as Typist w.e.f. 15.12.1983 as indicated in the respondents letter dated 24.9.1992 (Annex. A/8). That the applicant has also been declared suitable for the post of Typist in the suitability test held on 6.3.1993 vide the respondents letter dated 22.5.1993 (Annex. A/10). That the applicant had submitted various representation for regularisation of his services as Typist, last of which was submitted on 3.1.1995. Instead of considering the prayer of the applicant for regularisation on the post of Typist, the respondents had directed the applicant to appear for screening for a group D post vide their letter dated 3.2.1995 (Annex. A/17). Feeling aggrieved by the action of the respondents, the applicant has approached this Tribunal through this O.A.

3. Notices were issued to the applicant and they have filed their reply.

4. It has been admitted by the respondents that the applicant was promoted as ad hoc local arrangement on T.L.A. basis as Typist w.e.f. 15.12.1983 and he was not entitled for regularisation as Typist under the service rules.

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

6. A similar case came up before this Tribunal vide O.A No.81/96 Virendra Deo Upadhyaya Vs Union of India & others and the said O.A. was allowed vide <sup>Tribunal</sup> Order dated 11.3.1998 with the following direction:

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"(ii) Since the applicant had already passed the suitability test for the post of Typist, the respondents should regularise the services of the applicant in the grade of Typist with all consequential benefits within a period of three months from the date of receipt of a copy of this order."

The Tribunal decision dated 11.3.1998 has since been implemented by the respondents' letter dated 12.5.1998 and 4.9.1998. In the circumstances, we do not find any strong reasons to deviate from the view already taken by this Tribunal in O.A. No.81/96.

7. The O.A. is accordingly allowed with the direction that since the applicant had already passed the suitability test for the post of Typist, the respondents should regularise the services of the applicant in the grade of Typist with all consequential benefits within a period of three months from the date of issue of this order.

8. No order as to costs.

*Gopal Singh*  
(Gopal Singh)  
Administrative Member

*A.K. Misra*  
(A.K. Misra)  
Judicial Member

*Aviator/*