

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR

O.A. Nos. 256/96

Date of Order: 09.11.1998

&
257/96

Khema Ram s/o Shri Ishra Ram, working as Ferro Printer in grade 950-1500 (RPS) under Dy. Chief Engineer-I (Construction) Northern Railway, Jodhpur, r/o Q.No.1209, D.S. Colony, Jodhpur.

Applicant in O.A. No.256/96

Hazari Singh s/o Shri Malkhan Singh, working as Photo Stat Operator under Dy. Chief Engineer-I (Construction), Northern Railway, Jodhpur, r/o Q.No.1201, D.S. Colony, Jodhpur.

Applicant in O.A. No.257/96

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Chief Administrative Officer (Construction), Northern Railway, Kashmeri Gate, Delhi.
3. Dy. Chief Engineer-I (Construction), Northern Railway, Jodhpur.
4. Senior Divisional Personnel Officer, Northern Railway, Ambala Cantt. (Respondent in O.A. No.256/96).
5. Senior Divisional Personnel Officer, Northern Railway, Divisional Office, New Delhi (Respondent in O.A. No.257/96).

... Respondents

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

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 both these applications are same and relief sought is also the same and as such both these applications are disposed of by this single order.

2. In O.A. No.256/96 applicant, Khema Ram, in his application under Section 19 of the Administrative Tribunals Act, 1985, has prayed for regularisation on the post of Ferro Printer grade 950-1500 (RPS) with all consequential benefits.

3. In O.A. No.257/96 applicant, Hazari Singh, in his application under Section 19 of the Administrative Tribunals Act, 1985, has prayed for regularisation on the post of Photo Stat Operator grade 950-1500 with all consequential benefits.

4. Both the applicants had joined the Railways on 7.3.1981 and 4.10.1980 respectively as casual labour Khalasi. They were given temporary status w.e.f. 1.1.1984. The applicant Khema Ram is being utilised as Ferro Printer scale 950-1500 (RPS) w.e.f. 14.2.1992 whereas the applicant Hazari Singh is being utilised as Photo Stat Operator scale 950-1500 (RPS) w.e.f. 12.2.1992. Both the applicants have sought regularisation on the respective post in terms of Northern Railway Headquarters' letter dated 15.2.1991. Both the applicants had submitted representations to the authorities for regularisation of their services in the respective posts but no reply has been received by them. Feeling aggrieved they have filed the present applications.

(12)

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

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

7. In terms of Northern Railway Headquarters' letter dated 15.2.1991, casual labour who had completed three years of service were to be considered for regularisation on that post. It has been argued by the learned counsel for the respondents that the applicants had not completed three years of service as on 15.2.1991 and as such their cases for regularisation cannot be considered in terms of Northern Railway Headquarters' letter dated 15.2.1991. The learned counsel for the applicants has also filed with the rejoinder Northern Railway Headquarters' letter dated 9.4.1997 (Annex.A/9) and dated 13.2.1997 (Annex.A/10) dealing with regularisation of casual labour working in group C posts. Since both these circulars were issued by the Railway authorities after filing the present O.A.s., we consider it appropriate to direct the applicants to seek regularisation on the respective posts by making fresh representations to the authorities in terms of these circulars. In case they feel aggrieved by the decision of the authorities on these representations, they will be free to approach this Tribunal afresh.

8. In the result we are of the opinion that the applicants

cannot get the benefit of regularisation on the respective posts in terms of Northern Railway Headquarters' letter dated 15.2.1991 and both the applications are accordingly dismissed with no order as to costs.

Se/-

Se/-

(GOPAL SINGH)
MEMBER (ADMN.)

(A.K. MISRA)
MEMBER (JUDL.)

Aviator/

प्रमाणित
सत्य प्रतिलिपि
11-98
अनुभाग अधिकारी (न्यायिक)
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर न्यायपीठ, जोधपुर

Part II and III destroyed
in my presence on 26/2/98
under the supervision of
section officer () as per
order dated 26/2/98

Section officer (Record)

Copy given in
OA no 956/96