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IN THE CENTRL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

O.A. No.320/96

Date of Order: 16.10.1998

Brij Mohan s/o Shri Raj Path, working as Material Chacing Clerk under Inspector of works (Construction); Northern Railway, Lalgah, Bikaner, Q. No.3/74, M.P. Nagar, Bikaner.

... Applicant

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. General Manager (P), Northern Railway, Baroda House, New Delhi.
3. Chief Administrative Officer (Construction), Northern Railway, Kashmiri Gate, Delhi.
4. Deputy Chief Engineer (Construction), Northern Railway, Opposite Dhola Man, Bikaner.
5. Divisional Personnel Officer, Northern Railway, Bikaner

... Respondents

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

Mr. R.K. Soni, Counsel for the respondents.

CORAM:

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

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Singh

Applicant, Brij Mohan, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 6.10.1995 (Annx. A/1) and also for issuing a direction to the respondents to consider and regularise the services of the applicant on the post of MCC grade 950-1500 (RPS) with all consequential benefits.

Gopal Singh

2. Applicant's case is that he was initially appointed as Casual Labour on 14.5.1980 and attained temporary status on 29.10.1984. That he was being utilised as Storeman w.e.f. 1.4.1985 and as MCC grade 950-1500 w.e.f. 21.6.1991. The applicant had sought regularisation on the post of MCC scale 950-1500 (RPS) in terms of Northern Railways Headquarters order dated 11/15.2.1991, vide his representation dated 11.3.1995 (Annx. A/5). This representation has been rejected by the respondents vide their order dated 6.10.1995 (Annx. A/1). Aggrieved by the respondents order dated 6.10.1995, the applicant has approached this Tribunal.

3. Notices were issued to the respondents and they have filed their reply. It is the contention of the respondents that the Northern Railway Headquarters' order dated 11/15.2.1991 (Annx. A/6) is not applicable to the applicant as the same applies only to those employees who have already been screened in group D category and holding lien in any division and has worked for more than 3 years as MCC on ad hoc basis prior to 15.2.1991.

4. We have heard the learned counsel for the parties and perused the record of the case.

5. The Northern Railways Headquarters' order dated 11/15.2.1991 provided that the MCCs who were working on ad hoc basis more than three years in Construction Organisation will be regularised as such by the respective parent department where they are holding their lien. It is also seen from Annexure A/3 and Annexure A/4 that the applicant was being utilised in the Construction Organisation as Storeman/MCC scale 210-270/950-1500

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w.e.f. 1.4.1985, and as such he is entitled for being considered for regularisation as MCC in terms of Northern Railways Headquarters' order dated 11/15.2.1991 (Annx. A/6).

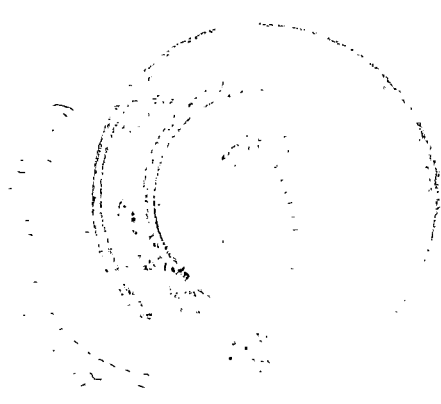
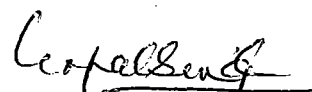
6. In the light of the above discussions, we find that the application has merit and deserves to be allowed.

7. The O.A. is accordingly allowed with the following observations:


(i) The impugned order dated 6.10.1995 (Annx. A/1) is set aside.

(ii) The respondents are directed to consider the case of the applicant in terms of Northern Railways Headquarters' order dated 11/15.2.1991 for regularisation on the post of MCC scale 950-1500 (RPS) with all consequential benefits within a period of three months from the date of issue of this order.

8. Parties are left to bear their own costs.



(Gopal Singh)

Administrative Member


16/10/98

(A.K. Misra)
Judicial Member

Aviator/

2/16/84
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26/1/90

Com 16-1-83
26/1/90

Part II and III covered
in my presence on 4-4-86
under the supervision of
order dated 28/12/86
order dated 28/12/86

Section Officer (Revenue)
Section Officer