

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
JODHPUR

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Date of order: 5.1.2001

O.A.No. 232/1997

Bala Ram S/o Shri Lala Ram, aged about 39 years, R/o C/o
S.I. (C), Office Northern Railway, Jodhpur, at present
employed on the post of Wireman (TS) in the office of CSI
(C), Northern Railway.

..... Applicant.

Versus

1. Union of India through General Manager, Northern
Railway, Baroda House, New Delhi.
2. Dy.Chief Signal and Telecom Engineer, Gayge Conversion
Tilak Bridge, New Delhi, Northern Railway.
3. Divisional Railway Manager, Northern Railway, Jodhpur,
Division, Jodhpur.

..... Respondents.

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CORAM :

HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER
HON'BLE MR.A.P. NAGRATH, ADMINISTRATIVE MEMBER

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Mr.J.K.Kaushik, Counsel for the applicant.
Mr.S.S.Vyas, Counsel for the respondents.

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

The applicant had filed this O.A. with the prayer
that the impugned order dated 29.11.96 (Annex.A/1) rejecting
the claim of the applicant for regularisation in Group 'C'
on the post of Wireman, be quashed and the respondents be
directed to absorb the applicant on the Group 'C' post of

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Wireman or equivalent in accordance with circulars issued by the Railway Board from time to time, with all consequential benefits.

2. Notice of the O.A. was given to the respondents who have filed their reply.

3. We have heard the learned counsel for the parties and have gone through the case file.

4. From the pleadings of the parties, it appears that the applicant was initially appointed as Casual Labour Khalasi in the Construction Organisation on 21.6.1977. He continued to work on that post till 14.6.78 and was thereafter physically employed on the post of Wireman. He was granted temporary status w.e.f. 1.1.82. The applicant was also trade tested for the post of Wireman and imparted requisite training. The applicant has since been continuing on the post of Wireman. He claims to be absorbed on the Group 'C' post of Artisan category on the basis of his long years of working.



5. The respondents have disputed the applicant's claim for regularisation. It is contended by the respondents that the applicant can only be regularised in terms of Para 2007 of the Indian Railway Establishment Manual in 25% promotion quota and not otherwise. In a Full Bench decision rendered by Jaipur Bench of the Tribunal in O.A. No. 57 of 1996 dated 30.10.2000 - Aslam Khan Vs. UOI, it was held as under :-

'A person directly engaged on Group-C post (Promotional post) on casual basis and has been subsequently

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granted temporary status would not be entitled to be regularised on Group-C post directly but would be liable to be regularised in the feeder cadre in Group-D post only. His pay which he drew in the Group-C post, will however be liable to be protected."

6. The case of the applicant is on a weaker footing. He was initially engaged as Casual Labour Khalasi and was subsequently utilised on the post of Wireman. Even if, he had been directly appointed on the post of Group 'C' on casual basis as a Wireman, he would not have been entitled to get regularisation, therefore, in the instant case, his claim relating to regularisation, is devoid of any merit.

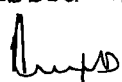
7. In ~~an~~ another Full Bench decision rendered by the Principal Bench of Central Administrative Tribunal, in OA No. 1828 of 1998 dated 13.12.2000, it was held as under :-

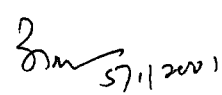


"Railway servants hold lien in their parent cadre under a division of the Railways and on being deputed to Construction Organisation, and there having promoted on a higher post on ad hoc basis and continue to function on that post on ad hoc basis for a very long time would not be entitled to regularisation on that post in their parent division/office. They are entitled to regularisation in their turn, in the parent division/office strictly in accordance with the rules and instructions on the subject."

8. From the aforesaid rule, even continuous working on the higher post, does not confer any right on the applicant for regularisation, therefore, the claim of the applicant that he has been working on the post of Wireman since number of years, is of no consequence.

9. In view of the above discussions, the O.A. of the applicant deserves to be dismissed. The O.A. is, therefore, dismissed with no order as to costs.


(A.P. NAGRAHI)
Adm. Member


(A.K. MISRA)
Judl. Member

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Received
Deeques
7/2/2001

Don
8-2-2001
DEEQUES

Part II and III destroyed
in my presence: 20-307
under the supervision of
section officer as per
order dated 19/2/07

Section officer (Records)
21/3/07