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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

O.A. No.35/98

Date of Order: 12.10.1998

Durbeen Singh s/o Shri Dhanni Ram, Clerk under Deputy Chief Engineer (Construction) Ist, Northern Railwy, Jodhpur, r/o Q. No.2162, D.S. Railway Colony, Jodhpur.

... Applicant

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The General Manager (P), Northern Railway, Baroda House, New Delhi.
3. The Chief Administrative Officer (Construction), Northern Railway, Kashmeri Gate, Delhi.
4. The Deputy Chief Engineer (Construction) I, Northern Railway, Jodhpur.

... Respondents

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

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

Applicant, Durbeen Singh, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for setting aside the impugned order dated 12.7.1996 (Annx. A/1) and for issuing a direction to the respondents to

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regularise the services of the applicant on the post of M.C.C. grade 950-1500 (RPS) with all consequential benefits. By way of interim relief the applicant has prayed for a direction to the respondents for maintaining status quo of the applicant as Clerk.

2. Applicant's case is that he was appointed on 5.4.1979 as Casual Labour at Kurushetra, promoted to the post of G. Operator grade 810-1150 vide the respondents letter dated 30.12.1989 (Annex. A/5). He was further granted pay scale of 950-1400 (RPS) w.e.f. 29.8.1991. Further the services of the applicant were utilised on the post of Receipt Clerk P Branch vide the respondents letter dated 25.3.1992 (Annex. A/7) in addition to his own duties. It was also mentioned in this letter dated 25.3.1992 that he will not get extra payment for working in Receipt Section. The applicant has submitted a representation dated 26.3.1995 for regularisation of his services on the post of Clerk and in reply thereto the respondents vide their letter dated 12.7.1996 (Annex. A/1) had pointed out that since the applicant had not completed three years service on ad hoc basis as MCC, his services cannot be regularised in terms of GM (P)'s letter dated 11/15.2.1991 (Annex. A/8). Feeling aggrieved by this order of the respondents the applicant has approached this Tribunal.

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

4. The respondents in their reply have stated that the applicant was never promoted to the post of Clerk, he was only given additional charge of Receipt Clerk P Branch and that he continued to hold the post of G. Operator. Moreover, the

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applicant had not completed three years of working as Clerk and as such he could not be given the benefit of regularisation as MCC/Clerk in terms of GM (P)'s letter dated 11/15.2.1991.

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

6. Northern Railway Headquarters Office letter dated 11/15.2.1991 dealing with regularisation of service of MCCs is reproduced below:

The above issue has been examined in detail and it is advised that the MCCs who are working on adhoc basis for more than 3 years in const. organisation will be regularised as such by their respective parent deptt. where they hold their lien i.e. from where they have been drafted to const. organisation. Further action in this regard may, therefore, please be taken accordingly.

7. It would be seen from the above letter that persons who had completed three years of service as ad hoc MCCs were only to be regularised by their parent department. This letter dated 11/15.2.1991 does not form a policy. It is a one time measure to regularise the services of ad hoc MCCs. It is admitted fact that the applicant was assigned the duties of Receipt Clerk only on 25.3.1992, therefore in our opinion the letter dated 11/15.2.1991 cited above does not cover the case of the applicant. We, thus, find that the application is devoid of any merit and deserves to be dismissed.

8. The O.A. is accordingly dismissed with no order as to costs.

Gopal Singh
(Gopal Singh)
Administrative Member

21/07/98
(A.K. Misra)
Judicial Member