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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 21.9.2000.

O.A. No. 85/1998

Bodu Singh S/O Shri Ram Bux, aged about 38 years, permanent employee as a call boy and now working as a Telephone Clerk at Hanumangarh Junction, R/O L-46 G, Near Railway Masjid, Hanumangarh Junction.

... Applicant

Vs

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Senior Divisional Engineer (Loco), Northern Railway, Hanumangarh Junction.
3. Divisional Mechanical Engineer, Northern Railway, Bikaner.
4. Assistant Personnel Officer, Northern Railway, Bikaner.

... Respondents

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

Mr. V.D. Vyas, Counsel for the Respondents.

CCRAM :

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH)

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant Bodu Singh, has prayed for a direction to the respondents to regularize his services as Telephone Clerk (TPC for short) in the grade of Rs.950-1500 and to pay the arrears on account of difference of pay of TPC and the pay already drawn.

Gopal Singh

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2. Applicant's case is that he was initially appointed with the respondent-department on 25.5.1979 as casual Hot Waterman, granted CPC scale of Rs.750-940 on 13.8.1990, and after due screening absorbed as a call-boy in the scale of Rs.750-940 on 24.11.'96. It is the contention of the applicant that he has been working as TPC since 24.11.'96 and, therefore he had demanded regularization on the post of TPC.

3. In the counter, the respondents have denied the application. They have contended that the applicant was never appointed as TPC and, moreover, the post of call-boy does not belong to the feeder category for promotion to the post of TPC. It has, therefore, been stated by the respondents that the application is devoid of any merit and deserves dismissal.

4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. In support of his contention that he has been working as TPC, the applicant has produced an extract from daily book dated 14.12.1997 (Annexure A/2), wherein the applicant has been shown as TPC. It is not clear from this document as to for how long the applicant was engaged as TPC. Further, the the applicant contends that he has been reverted from the post of TPC to call-boy vide respondents' letter dated 14.2.98 (Annexure A/1) and that he was working as TPC till that date (14.2.1998). Applicant has not submitted any other document indicating his engagement as TPC from 24.11.'96 to 14.2.'98. Thus, the applicant has not been able to establish his claim that he worked as TPC w.e.f. 24.11.'96 to 14.2.1998. At the most it can be presumed, on the basis of Annexure A/1, and A/2, that he was engaged as TPC from 14.12.'97 to 14.2.'98

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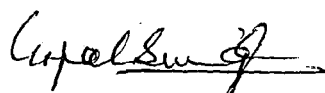
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i.e., for two months. Even if it is taken that he worked on the post of TPC for two months, this does not entitle him for regularization on the post of TPC. Moreover, the respondents have denied that the applicant was ever engaged on TPC.

6. In the light of above discussion, we do not find any merit in this application and the same deserves to be dismissed.

7. The Original Application is accordingly dismissed with no order as to costs.


(GOPAL SINGH)
Adm. Member


(B.S. RAIKOTE)
Vice Chairman

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