

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH

JODHPUR

Date of order : 5.04.2000.

O.A.NO. 127/1998

Jugal Kishore Chhangani (Clerk, Engineering Branch, D.R.M. Office, Jodhpur) S/o Shri K.L. Chhangani, aged 43 years, R/o Jodhpur Gundi Ka Mohalla.

.....Applicant.

VERSUS

1. Union of India through the General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Jodhpur.
3. The Divisional Personnel Officer, Northern Railway, Jodhpur.
4. The Divisional Superintending Engineer (Coordination), Northern Railway, Jodhpur.

.....Respondents.

CORAM :

HON'BLE MR.A.K.MISRA, JUDICIAL MEMBER

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

.....
Mr. Sunil Joshi, Counsel for the applicant.

Mr. S.S. Vyas, Counsel for the respondents.

.....
PER HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER :

In this Application under Sec. 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the respondents to regularise his services as Store Issuer/Junior Clerk in the scale of Rs. 950-1500 w.e.f. 12.3.81, the date from which he has been working on the post of Store Issuer/Junior Clerk.

2. The applicant was initially appointed as substitute Khalasi on 2.6.78 with the respondent department and promoted to the post of Store Issuer/Junior Clerk scale Rs. 225-308 w.e.f. 12.3.81 on ad hoc basis on a work-charged post. The respondents have

Gopal Singh

regularised the services of the applicant on the post of Clerk scale Rs. 950-1500 w.e.f.12.8.93.

3. The application has been contested by the respondents on the ground of Limitation. Through this application, the applicant is seeking regularisation w.e.f. 12.3.81 which is more than 3 years earlier to the establishment of the Central Administrative Tribunal and, therefore, this Tribunal has no jurisdiction to entertain the application. Further, for redressal of a grievance that arose in 1981, this application is filed in 1998 much beyond the period of limitation, and, therefore, the application is not maintainable. On merit, it has been submitted by the respondents that the applicant was promoted on the post of Store Issuer/Junior Clerk scale Rs. 225-308 on ad hoc basis on work-charged post on special consideration, though no regular post of Store Issuer/Junior Clerk was in existence. The applicant has rightly been regularised w.e.f. 12.8.93.

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

5. It is not disputed that the applicant is seeking redressal of a grievance that arose in 1981 through this application filed in 1998. Thus, the application is barred by limitation on account of delays and laches. Successive representations made by the applicant do not give him a fresh cause of action. Nor the impugned letter dated 12.6.97 (Annex.A/1), can be challenged as it only states the position that had existed for more than 15 years. Otherwise also, we do not find any merit in this application. The applicant was appointed on ad hoc basis against a work-charged post, though no regular post existed at that time. The applicant has been regularised w.e.f. 12.8.93.

6. In this connection, the learned counsel for the applicant

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has drawn our attention to order dated 30.7.94 of the Principal Bench of the Central Administrative Tribunal in O.A.No. 1395/92 and this Tribunal's order dated 4.3.98 in O.A.No. 131/95. In both these cases, respondents were directed to regularise the services of Material Chasing Clerks (MCC) in accordance with Northern Railway Circular dated 11/15.2.91. The contention of the learned counsel is that the case of the applicant is similar to the cases dealt with in above mentioned orders. Here, it is pointed out that the applicants in the above mentioned O.As were working on the posts of M.C.C. on ad hoc basis in the Construction Organisation and they were ordered to be regularised by their parent department vide Northern Railway Headquarters letter dated 11/15.2.91. In the instant case, the applicant was initially appointed as a substitute Khalasi on special consideration as his wife was employed with the respondents as an Artist and he was subsequently promoted as Store Issuer in the grade Rs. 225-308 on a work-charged post in the open line and he continued as such till he was regularised as Clerk in scale Rs.950-1500 vide respondents letter dated 12.8.93 (Annex.A/4). In this case also his pay was to be charged to some work estimate. Thus, in our opinion, the case of the applicant is distinguishable and as such we are of the opinion that our order dated 4.3.98 in O.A.No.131/95 cannot be made applicable in this case.

7. Thus, 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)

Adm.Member

A.K.MISRA
(A.K.MISRA)
Judl.Member

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Received copy
Bengaluru
11/4/2020
(Subjessi)
Dated.

Re COA AS S/In
DAE

Part II and III destroyed
in my presence on 16.4.2020
under the supervision of
a police officer (U) as per
order dated 23/3/2020
Section 144 (Karnataka)