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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH JODHPUR.

OA No.189/99

Date : 16-8-2001

Jai Pal Singh son of Shri Zilla Singh, aged about 43 years, resident of c/o Junior Engineer-I P/Way (C), Jodhpur, at present employed on the post of Mate in the office of Dy. Chief Engineer (Construction-III), Jodhpur, Northern Railway.

...APPLICANT

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Delhi Division, Delhi.
3. Dy. Chief Engineer (Construction-III), Jodhpur, Northern Railway.
4. Chief Administrative Officer (Construction), Northern Railway, Kashmiri Gate, Delhi-6.

...RESPONDENTS

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Mr. J.K. Kaushik, counsel for the applicant.  
Mr. Kamal Dave, counsel for the respondents.

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CORAM

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

Hon'ble Mr. A.P. Nagrath, Administrative Member.

ORDER

(per Hon'ble Mr. A.P. Nagrath)

The applicant belongs to the cadre of Delhi Division. Having initially joined as casual Gangman on 23.2.97. He was absorbed in group 'D' as a Gangman in 1987. He was promoted to the post of Trolley-man in scale Rs.800-1150. Vide letter dated 19.7.91, he was posted under IOW/Construction at Muradabad and letter dated 1.9.92 he came to be posted under Dy. CE (C), Degana. He was promoted to the post of Mate, scale of Rs.900-1500

from the post of Trolley-man vide letter dated 21.4.93. As per the applicant, he has been holding this post since then. He has filed this application with the prayer that respondents be directed to regularise him on the group 'C' post in terms of Railway Board's letter dated 9.4.97 Annexure A/3.

2. In reply, the respondents have stated that the Railway Board's letter dated 9.4.97 has no applicability in respect of the applicant as he holds ~~an~~ substantive post in Delhi Division. In Construction Department, there is no separate cadre and there can be no question of regularisation on the post, the applicant is holding only as a local arrangement.

3. Heard, the learned counsel for the parties.

4. Facts are clear that the applicant belongs to Delhi Division and is holding the post of Mate only as a local ad hoc arrangement. Construction Department in the Railways does not have a separate cadre of its own. Staff belonging to various Divisions are put to work in the Construction Department and very often are given one ad hoc promotion as the post in the Construction are on Ex-cadre. Obviously, in such a situation holding of Ex-cadre post as local and ad hoc arrangement does not confer any right in favour of holders of such posts. His claim to regularisation cannot be superior to the claim of his seniors in his parent cadre. The applicant's parent cadre is in Delhi Division as and when the opportunity arises for promotion/in the parent cadre, he will have a right to be considered. His grievance is without any foundation and without merit and is liable to be dismissed.

5. We, therefore, dismiss this OA as totally devoid of any merits. No order as to costs.



*Chp 16/81-2001*  
(A.P. Nagrath)

Admin. Member

*A.K. Misra*  
(A.K. Misra)  
Judicial Member

P/d.