

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

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Date of order : 11.1.2001.

O.A.No. 264/1999

Shiv Kumar S/o Shri Amrish Chand, aged about 39 years, R/o 2169, DS Colony, Rotary Chowk, Jodhpur, at present employed on the post of Ammonia Priting Machine Operator (Wrongly designated as Ferro Printer) in the office of Dy.Chief Engineer (C-II), 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, New Delhi.

Dy.Chief Engineer (C-II), Northern Railway, Jodhpur.

Chief Administrative Officer (Construction), Northern Railway, Headquarters Office, Kashmiri Gate, Delhi-6.

.....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.Kamal Dave, Counsel for the respondents.

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

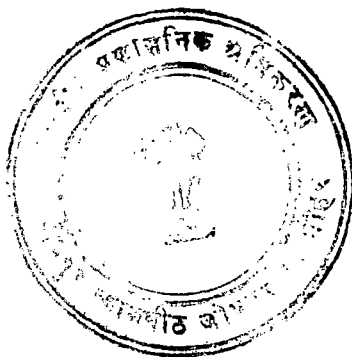
The Applicant had filed this Application with the prayer that the respondents be directed to regularise the services of the

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applicant on the post of Ammonia Printing Machine Operator in Group 'C', as per the Railway Board's Circular dated 9.4.1997, with all consequential benefits.

2. Notice of the Original Application was given to the respondents who have filed their reply. It is stated by the respondents that the applicant was initially appointed as Khalasi/Chainman on 21.2.1981 and was granted temporary status w.e.f. 1.1.1984 in the cadre of Khalasi. The applicant was appointed on the post on which he is claiming regularisation on ad hoc temporary (local arrangement) basis and his services were utilised under this arrangement, therefore, the applicant is not entitled to regularisation on Group 'C' post in terms of the Circular dated 9.4.1997 Annex.A/3. The Original Application, therefore, deserves to be dismissed.



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

4. So far as the facts of the case are concerned there is no dispute between the parties. The only question i.e. required to be debated is, whether the applicant is entitled to be regularised on the Group 'C' post which is a promotion post for Group 'D' employees in terms of the said Circular.

5. The learned counsel for the respondents submits that the present case is fully covered by the principles laid down in Ram Lubhaya and Others Vs. Union of India and Others case, and, therefore, the applicant cannot be granted any relief whatsoever. We have considered the submission of the learned counsel for the respondents. In Ram Lubhaya's case and other connected batch, decided on 4.12.2000, the Full Bench of the Central Administrative

2/11/20

Tribunal, has decided 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."

6. In the light of the above discussions, the Original Application deserves to be dismissed and is hereby dismissed. The parties are left to bear their own costs.

[Signature]
11/11/2001

(A.P. NAGRATH)
Adm. Member

[Signature]
11/11/2001

(A.K. MISRA)
Judl. Member

Alton
2/16/11
Pit
Randy
Kerry
12/11

Part II and IM destroyed
in my presence on 2-23-02
under the supervision of
section officer as per
order dated 1-9-13-07

Section officer (Record)