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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 12.1.2001.

O.A. No. 114/1999

Tulsi Ram S/O Sh. Shrinath, aged about 49 years, R/O Quarter No. 2164 D S Colony Jodhpur, at present employed on the post of MCC/Clerk in the office of Dy. Chief Engineer (Construction-III), Northern Railway, Jodhpur.

... Applicant

vs

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

... Respondents

Mr. J.K. Kaushik, Counsel for the Applicant.

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

CORAM :

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

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

O_R_D_E_R

(PER HON'BLE MR. A.P. NAGRATH)

The applicant in this O.A. was initially appointed to the post of substitute Group 'D' on 18.9.1969 in Lucknow Division. He was regularised on that post on 04.5.1977. He holds his lien in Lucknow Division. He has submitted that he was promoted to the post of MCC in the grade of Rs.950-1500 on

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ad hoc basis vide letter dated 25.7.1991 and posted to work under CB (C), Jodhpur. He has prayed for issuing direction to the respondents to absorb/regularise him on the post of MCC from the date of his working on the same in accordance with Railway Board Circular dated 09.4.1997 (Annexure A/4) with all consequential benefits.

2. Learned Counsel for the respondents stated that this matter is squarely covered by the judgement of the Full Bench in Ram Lubhaya & Ors. Vs Union of India & Ors decided on 04.12.2000. We find that the facts and the relief sought in the matter before Full Bench in the batch of O.A. No. 103/97 and batch) were similar. It has been held as under :

"15. In the result we answer the reference as under :

(a) 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."

3. In the light of above, this Original Application fails and is dismissed accordingly. Parties are left to bear their own costs.

Ans
(A.P. NAGRATH)
Adm. Member

AM
(A.K. MISRA)
Judl. Member

J

PL 100/1
DAN 2130
16/1/2007

PL 100/1
on 16/1/2007

Part II and III destroyed
in my presence on 16/1/2007
under the supervision of
section officer as per
order dated 19/1/2007

Section officer (Record)