

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

Date of Order : 23.03.2001

ORIGINAL APPLICATION NO. 334/1999.

Yogendra Pal Singh son of Shri Ghurelal aged about 43 years, resident of C/O Section Engineer (works) Near Patrika Colony, Bhagat-Ki-Kothi, Jodhpur. at present employed on the post of MCC in the office of Dy. Chief Engineer (Construction-I), Northern Railway, Jodhpur.

... APPLICANT ..

VERSUS

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

... RESPONDENTS.

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

COURT

Hon'ble Mr. A. K. Misra, Judicial Member.
Hon'ble Mr. Gopal Singh, Administrative Member.

ORDER

(per Hon'ble Mr. Gopal Singh)

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant Yogendra Pal Singh has prayed for quashing the impugned order dated 30.07.1999 and for a direction to the respondents to consider the absorption/regularisation of the applicant on the post of MCC in Group-C, in the pay scale of Rs. 950-1500, in terms of Northern Railway Headquarter letter dated 11/15 February 1991 (Annexure A-4) and Railway Board's letter dated 09.04.1997 (Annexure A-5) with all consequential

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benefits.

2. Applicant's case is that he was initially appointed as Khalasi in the Construction Organisation in Ambala Division. His ~~lien~~ has been fixed in Ambala Division on the post of Works Khalasi. The services of the applicant were utilised on the post of MCC, in the pay scale of Rs. 950-1500 vide respondents letter dated 18.02.1994 and ^{he} has been continuing on the said post since then. The applicant has, therefore, sought ~~or~~ regularisation on Group-C post, in terms of Northern Railway Headquarter letter dated 11/15 February 1991 and Railway Board's letter dated 09.04.1997. The applicant had approached the respondents for regularisation of his service on the post of MCC, however, the respondents have ordered his reversion vide letter dated 09.11.1999 (Annexure A-1). Feeling aggrieved, the applicant has filed this application.

3. In terms of our order dated 22.11.1999, the Respondents were directed not to demote/relieve the applicant in pursuance of order dated 09.11.1999 (Annexure A-1), if he has not already been relieved/demoted.

4. Notices were issued to the respondents and they have filed their reply.

5. We have heard the learned counsel for the parties and perused the records of the case carefully.

6. The question of regularisation of casual labours directly on a Group-C post as also the Railway Board's circular dated 09.04.1997 had come up for consideration before the Full Bench at Jaipur, in O.A. No. 57/1996,

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Aslam Khan vs. U.O.I. & Ors. decided on 30.10.2000.

The Full Bench in this order dated 30.10.2000 has held that a person directly engaged on Group-C post would not be entitled to be regularised on Group-C post directly, but would be liable to be regularised in the Feeder Cadre in Group-D post only. Thus, the applicant cannot be extended the benefit of Railway Board's circular dated 09.04.1997.

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

8. The O.A. is accordingly dismissed with no order as to costs.

Gopal Singh

(GOPAL SINGH)
Admn. Member

23/3/2001
(A. K. MISRA)
Judl. Member

Part II and III destroyed
in my office 26-3-87
under direction of
as per
sec
OIC

Section Officer (Records)

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