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Central Administrative Tribunal
Jodhpur Bench, Jodhpur

Date of order : 19.02.2001

O.A. No. 363/99

Manohar Lal S/o Shri Mohan Lal aged about 43 years, working as a Carpenter under Dy. C.S.T.E. (Construction), Jodhpur, R/o Indira Colony, Opposite of Mahamandir, Jodhpur.

... Applicant.

Ver sus



1. Union of India through General Manager, Baroda House, Northern Railway, New Delhi.
2. Divisional Railway Manager, Northern Railway, Jodhpur.
3. Dy. Chief Signal Telecom Engineer (C), Northern Railway, Tilak Bridge, New Delhi.
4. Signal Inspector (Const.), Northern Railway, Jodhpur.
5. Divisional Railway Manager, Northern Railway, New Delhi.
6. Chief Administrative Officer (Construction), Northern Railway, Kashmari Gate, Delhi.

... Respondents.

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Mr. Y.K. Sharma, 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

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

The applicant has filed this O.A. with the prayer that the respondents be directed to regularise the applicant on the post of Carpenter in the pay scale of Rs. 950-1500 (RPS) and the orders Annex.A/1 and Annex.A/2 be quashed with all consequential benefits.

2. Notice of the O.A. was given to the respondents who have filed their reply.

3. The applicant was initially engaged as Casual Labour Khalasi on 2.8.79 and was thereafter promoted to the post of Carpenter on 15.4.80 and since then the applicant is continuing on the said post. The applicant is said to have passed ^{the} trade test in the year 1985 and was given temporary status on the post of Carpenter w.e.f. 1.1.85. From the facts, it appears that applicant has been working on the post of Carpenter since 20 years. As per the contention of the respondents the applicant was regularised on his substantive group D post and was reverted on that post. It is also contended by the respondents that applicant cannot claim regularisation on the post of Carpenter simply because he continued to work on that post for number of years.

4. We have considered the above facts and the rival contentions of the parties. In our opinion, the applicant, who was initially appointed as a Khalasi and was being utilised on a group 'C' post, cannot claim regularisation on the basis of long years of

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working. The position of the respondents in this respect and applicant's entitlement for regularisation has been settled by the Hon'ble Supreme Court and the Full Bench of Central Administrative Tribunal, and in view of the judgements rendered, the applicant cannot claim to be regularised on a group 'C' post on the basis of ad hoc working for number of years. The applicant holds lien in his parent cadre and consequently, regularisation on the basis of the working either on construction side or otherwise, would not be available to him. Long years of working on group 'C' post does not entitle him to claim regularisation.



5. In view of the foregoing, the applicant's prayer in regard to his regularisation in a group 'C' post, is dismissed. However, as per the principle laid down by the Full Bench, the pay of the applicant shall be protected when he is ordered to hold a group 'D' post, by the respondents.

6. Parties are left to bear their own cost.

Amrit
(A.P.NAGRATH)
Adm.Member

AMR
19/2/2001
(A.K.MISRA)
Jud1.Member

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Al Mazy
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Part II and III destroyed
in my presence on 22/3/67
under the supervision of
section officer as per
order dated 19/1/2165

Section officer (Record)