

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 19.01.2001

O.A. No. 146/99

Ashok Kumar Gautum son of Shri Harpal Singh, aged about 37 years, resident of C/O. Section Engineer (Works) Pali-Marwar Jn., Northern Railway, at present employed on the post of MCC/Clerk in the office of Dy. Chief Engineer (Construction-II), Northern Railway, Jodhpur.

... Applicant.

v e r s u s

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Ferozpur Division, Ferozpur.
3. Deputy Chief Engineer (Construction-II), Northern Railway, Jodhpur.

... Respondents.

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

Mr. K.K. Vyas, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

In this application, the applicant prays for a direction to the respondents to consider the case of the applicant for absorption/regularisation on the post of MCC/Clerk in Group 'C' in the scale of Rs. 950-1500 from the date of his working on the same, as per the policy laid down by the Headquarters vide Annexure A/3 dated 11/15.2.91, with all consequential benefits.

2. The applicant states that he was appointed as Khallasi in

construction organisation on 21.04.80 at Kashmiri Gate, Delhi, in Ferozpur Division. During that period, he was employed as Storeman with effect from 15.5.81 to 14.9.84. Thereafter, he was promoted as Storeman with effect from 22.2.91 vide Annexure A/1 dated 22.2.91. Thereafter, he was further promoted as Material Checking Clerk (MCC, for short) on ad hoc basis vide Annexure A/2 dated 27.03.92, in the pay scale of Rs. 950-1500, which is a Group 'C' post, and he has been granted pay fixation on the post of MCC with effect from 21.08.91. Since then, he is continuing on that post.

3. By filing reply, the respondents have denied the case of the applicant, contending that the applicant was appointed as Khallasi on Group 'D' post, on which he was regularised. His promotion as MCC is purely as a local arrangement on ad hoc basis, and it does not confer on him any right for regularisation on that post. In these circumstances, he cannot seek regularisation on Group 'C' post. There is substance in the contention of the respondents.

4. The fact that the applicant was appointed in Group 'D' post, wherein he was regularised, is not in dispute. If that is so, he would earn his promotion as per turn in his own line. Only because his services were taken as MCC on ad hoc basis purely as a local arrangement, that position does not confer on him any right for regularisation. In these circumstances, the applicant is not entitled to any relief, as prayed for. Moreover, the Full Bench judgement rendered by the Jaipur Bench of the Tribunal in O.A. No. 57/96 dated 30.10.2000 [Aslam Khan vs. UOI & Ors.], also declares a law that in case of regularisation of a person appointed on temporary or casual basis on promotional post (Group 'C') and if he wants to be regularised, he is entitled to be regularised only on lower post, i.e., Group 'D' post only. On the analogy of this law declared by the Full Bench (supra) also, we find that there is no merits in this application. Accordingly, we pass the order as under:-



"Application is dismissed. But in the circumstances,
without costs."

Gopal Singh

(GOPAL SINGH)
Adm. Member

BSR

(JUSTICE B.S. RAIKOTE)
Vice Chairman

CVR.

Received
DMS 80
29/1/2001

Part II and III destroyed
in my presence on 29/3/07
under the supervision of
section officer () as per
order dated () 2007
Section officer () 2007