

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.413/03

Tuesday this the 10th day of June 2003

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T.NAYAR, ADMINISTRATIVE MEMBER

J.I.Stephen
S/o. A.J.Stephen
Material Chaser/Store Chaser,
Office of the Divisional Railway
Manager (Works), Southern Railway,
Thiruvananthapuram.

Applicant

(By advocate Mr.Asok.M.Churian)

Versus

1. The Divisional Railway Manager (Works)
Southern Railway, Thiruvananthapuram.
2. Senior Divisional Personnel Officer,
Southern Railway, Thiruvananthapuram.
3. The Chief Personnel Officer,
Head Quarters Office'
Personnel Branch,
Southern Railway, Chennai.
4. The Permanent Way Inspector,
Southern Railway, Varkala.
5. The Union of India,
represented by the Secretary,
Ministry of Railways,
Government of India, New Delhi.

Respondents


(By advocate Mrs.Sumathi Dandapani)

The application having been heard on 10th June 2003,
the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

The applicant holding the post of Senior Gangman in the pay scale of Rs.2650-4000 claims that from 1994 onwards he has been performing the duties of Material Chaser/Store Chaser, that from the date of retirement of Shri.Chandrasekhara Pillai in the year 1997 he has been continuously holding the post of Material Chaser that he has been issued with an identity card, letters etc. Annexure A1, A2, A3 from which could be seen that he has been designated as Material Chaser though was paid the salary



attached to the post of Senior Gangman and that on account of his long service he is entitled to have his posting as Material Chaser regularised with effect from the date of retirement of Shri.Chandrasekhara Pillai. The applicant submitted a representation and as there was no response he has filed this application for a direction to the respondents to regularise his service as Material Chaser/Store Chaser with effect from the due date with all consequential benefits.

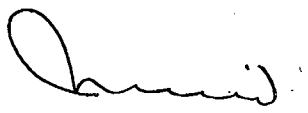
2. Smt.Sumathi Dandapani, learned counsel for respondent under instructions from the department states that the applicant is not eligible to be considered for promotion much less for regularisation as a Material Chaser/Store Chaser, because as per the notification issued on .5.03 for filling up of one existing post of Material Chaser in the scale of 4000-6000, Senior Gangman in the scale Rs.2650-4000 do not form the feeder grade. The mere fact that the applicant's services had been utilised at times for performing the duties of Material Chaser without any order of appointment does not give the applicant any right for the pay attached to the post or for regularisation, argued the learned counsel.

3. On a careful scrutiny of the materials placed on record and on going through the averments in the application, we find that the applicant's claim for the post of Material Chaser/Store Chaser with effect from the year 1997 is not based on any rule or instruction. The applicant who is holding the post of Senior Gangman (Rs.2650-4000) which does not fall in the feeder grade for consideration of appointment to the post of Material Chaser/Store Chaser which is an ex-cadre post with scale (4000-6000) has not valid claim for regularisation as Material Chaser. As the claim of the applicant is not based on any rule and as the applicant's performance of the duties of Material

4

Chaser/Store Chaser being without any order of appointment to that post, we do not find any need to admit this application. The application is rejected Under Section 19(3) of the Administrative Tribunal Act 1985.

(Dated the 10th day of June 2003)



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

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