

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 243 of 2005

This the 14th day of September, 2011

Hon'ble Mr. Justice Alok Kumar Singh , Member-J
Hon'ble Mr. S.P. Singh, Member-A

Raghav Ram Dwivedi, Aged about 52 years, S/o Sri Sheetla Prasad Dwivedi, R/o Gram Dhanvalia Post Didisiakalan, District Gonda working as Permanent Way Supervisor, Office of Junior Engineer (Construction P. Way), N.E. Railway, Gonda.

.....Applicant

By Advocate : None

Versus.

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.
2. DRM, NER, Ashok Marg, Lucknow.
3. DRM (P), NER, Ashok Marg, Lucknow.

.....Respondents

By Advocate : Sri D.K. Mishra

O R D E R (Oral)

By Justice Alok K Singh, Member-J

This O.A. has been field for the following relief(s) :-

- “(i) to quash the impugned order dated 19.5.2005 passed on behalf of Respondent no.3 as contained in Annexure-1 to the O.A. with all consequential benefits.
- (ii) to direct the respondents to place the name of the applicant in the result dated 18.4.2005 for the post of Permanent Way Supervisor Gr. 4500-7000/- with all attendant benefits.
- (iii) To direct the respondents to pay the cost of this application.
- (iv) Any other order which this Hon'ble Tribunal deems just and proper in the circumstances of the case be also passed”.

2. The case of the applicant is that on account of his long working in Construction Organization, the services of the

A.P.

applicant were regularized in terms of Railway Board's order dated 3.9.1996 and 12.12.1996 vide order dated 2.2.1998 (Annexure A-2). Earlier, he preferred O.A. no. 74 of 1999 before Allahabad Bench of the Tribunal for regularization of his services on a wrong post challenging the regularization order dated 31.12.1997. The said O.A. was dismissed vide order dated 4.2.2004 (Annexure A-4). It has been further said that in terms of relevant rules, a notification was issued for holding a selection for the post of Permanent Way Supervisor on 12.3.2005 from amongst the eligible Gangman, Keyman and Mate and the result was declared on 18.4.2005 in which the name of the applicant finds place at sl. No.1 amongst a total of 75 employees who qualified in the said selection. However, the applicant was shocked to receive an order dated 19.5.2005 by means of which his name has been deleted from the result dated 18.4.2005 on the ground that as per records, the applicant was not a regular employee i.e. Gangman, Keyman or Mate.

3. The O.A. has been contested by the respondents by filing detailed Counter Reply saying that for the post, in question, Keyman, Gangman and Mate were eligible to appear in the said selection; whereas the applicant was appointed as Casual Mate on temporary basis in broad gage organization on 21.2.1977 to work in Barabanki to Samastipur project on daily wage basis in exigencies of target for scheduled time. It is said that the applicant was regularized in Group 'D' post and was permitted to continue to work on Group 'C' post on adhoc basis. It has been specifically averred that only Keyman, Gangman and Mate were eligible for appearing in the selection, in question, whereas the applicant was regularized on the post of Khalasi. As soon as it was detected on the basis of his Service Book, his name has been dropped from the result.

4. We have thoroughly gone through the entire material available on record and also considered the aforesaid arguments. As already mentioned, nobody has come forward on behalf of the applicant to press this O.A. It appears that the applicant has lost interest in prosecuting this case. Be that as it

AP

may. But we are of the definite opinion as discussed hereinabove that the applicant has failed to make out any case on merit in his favour for granting any of the relief(s), which have been claimed.

5. O.A. is, therefore, dismissed. No order as to costs.

spsn
14.9.11
(S.P. Singh)
Member-A

Alok Kumar Singh
14.9.11
(Justice Alok K Singh)
Member-J

Girish/-

OK
copy of order
dated 14.9.11
Prk carel
16-9-11