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CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW

O.A. No. 409/87

B.N. Prasad

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. K. Obayya, Adm. Member

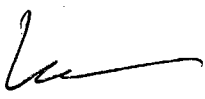
The applicant who was appoint<sup>ed</sup>/on the post of Gangman in the year 1967, was promoted as Store Issuer and then to the post of Clerk in the grade of Rs 260-400 for several years and against non regularisation of his services, he approached this Tribunal, praying that he may be treated confirmed on the post of Clerk and the respondents be directed to fix his seniority alongwith regular clerks of the category of the petitioner .

2. The applicant was appointed as permanent Gangman and was promoted on the post of Clerk in the year 1982 and since then he was continuing to hold the post. From the counter it appears that the post of Material Clerk/Checker is a selection post and the applicant's appointment was adhoc local arrangement in staff gap arrangement. The applicant appeared in the written test and he qualified the same. Thereafter he qualified the viva voce and even then he was not regularised.

3. According to the applicant, after 18 months

of continuous service, he should have been deemed to be a confirmed employee. According to the respondents, the applicant had worked on adhoc basis and he was not holding the post in the grade of Rs 260-400 and he should not have been promoted as Material Checker and so far as rule of 18 months is concerned, it is only available to the persons who are found suitable, as such he could not have been promoted. That may be so, but when the applicant was allowed to appear in the written test, Years have passed and in case the case of the applicant has not been considered, his case may be considered after allowing him to appear in suitability test of Material Checker if he has not been regularised so far. Let the process be completed within 3 months. No order as to costs.

  
Adm. Member.

  
Vice Chairman.

Shakeel/-

Lucknow: Dated: 31.3.93.