

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

ORIGINAL APPLICATION NO. 108 of 1992

this the 06<sup>th</sup> day of March, 1998.

HON'BLE MR D.C. VERMA, JUDICIAL MEMBER

Ram Dayal, aged about 35 years, S/o late Sri Chandrika, R/o Village Kewalpur, P.S. Gangaganj, District Sitapur.

Applicant.

By Advocate : Sri R.P. Singh.

Versus.

Union of India through Ministry of Railways, New Delhi.

2. Railway Board, New Delhi through its Chairmn.
3. P.W.I., North Eastern Railway (NER), lucknow.
4. Assistant Engineer, North Easten Railways (NER), Sitapur.

By Advocate : Sri S. Verma

Respondents.

O R D E R

D.C. VERMA, MEMBER(J)

The applicant, Ram Dayal, has by this ~~claimed~~ O.A., Appointment on the post of Gangman on regular basis on the ground that he had completed 180 days continuously on the said post.

2. The respondents have contested the claim of the applicant on the ground that the applicant did not complete the required period of 180 days continuous working. Heard the learned counsel for the parties. From the facts on record, it comes-out that the applicant was initially engaged in the year 1968 and his last working day was August, 1977. In 1978 the applicant filed a Writ petition in the High Court, Lucknow Bench and the same was transferred to the Tribunal

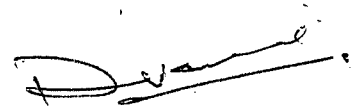
Act, ~~inxxxxxxx~~. In the said writ petition also the applicant had claimed the same relief. The T.A. was dismissed by the Tribunal and it was held "----- the material on record does not make-out the continuous period of 180 days working. That being so, the benefit cannot be admissible in the present case-----". The Tribunal however directed the respondents to "-----examine the applicant's case in the light of the decisions of the Supreme Court and in case it is found that the applicant is entitled to some relief that may afford the same." After this decision of the Tribunal, the respondents considered the case of the applicant and passed order on 16.11.92 (Annexure-7). After examining the case of the applicant, the respondents found that no benefit is admissible to Sri Ram Dayal except that his name will remain on live register and for the purposes of screening etc. on the basis of seniority. After this order, the present O.A. has been filed by the applicant. The applicant, however, has not challenged the order dated 16.1.92.

3. It is thus, seen from the facts mentioned above that the claim of the applicant that he had completed 180 continuous working days was not accepted by the Tribunal in its order dated 14.12.89. That order has become final. Therefore, the claim of the applicant in the present O.A. for the said relief cannot be accepted.

4. It is also seen that it is not the case of the applicant that anybody junior to the applicant has been regularised. The applicant has, therefore, no cause of grievance to claim regularisation of his services.

5. Though in the O.A., the applicant has claimed that he was appointed in a regular post of gangman, but this claim has not been substantiated from the documents on record. Annexure-2 shows that the applicant was appointed as Substitute gangman with no claim over seniority or permanent absorption. It was also stipulated in the appointment order that the appointment was <sup>for</sup> very short duration and, therefore, the applicant was not medically examined. Further, the applicant's engagement as Substitute gangman would automatically terminated when the permanent incumbent report back on duty. The respondents have also in their Counter stated that the applicant was appointed only a Substitute gangman and never against regular vacancy. There is nothing on record to rebut this.

6. In views of the discussions made above, there is no merit in the O.A. and the applicant is not entitled to any relief. The O.A. is dismissed . No costs.



MEMBER(J)

LUCKNOW: DATED: 06-3-98.

GIRISH/-