

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 54 OF 2006

[Patna, this Friday, the 16<sup>th</sup> Day of May, 2008]

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C O R A M

HON'BLE MR. SHANKAR PRASAD, MEMBER [ADMN.]  
HON'BLE MS. SADHNA SRIVASTAVA, MEMBER [JUDL.]

.....  
Vijay Kumar Pandey,  
S/o Late Asheshwar Pandey

Vs.

The Union of India through General Manager,  
E.C.Railway, Hajipur [Vaishali] & Ors.

.....

Counsel for the applicant. :- Shri Manoj Kumar.

Counsel for the respondents.:- Shri N.K.Sinha, ASC.

O R D E R [ORAL]

Shankar Prasad, M[A] :- In the second round of litigation the applicant challenges the order dated 30.12.2004 passed by the respondents. He seeks a direction to the respondents Railway Administration for treating him as a Khalasi w.e.f. 16.05.1986.

2. The applicant had approached this Tribunal by filing OA 458 of 1994. He seeks a direction to the respondents to regularise his services from 16.05.1986 as Fitter Khalasi in the scale of Rs.800-1150 [sic] along with consequential benefits and payment of penal interest for the same. The Tribunal held as under :-

“This list also shows the applicant as Khalasi Helper. The only point for consideration is whether, the applicant has worked in addition to his duties as Filter Khalasi w.e.f. 06.04.1994 entitles him to any special dispensation with regard to regularization as Fitter Khalasi even without passing trade test mainly on the ground that he has discharged the work of Fitter Khalasi to the satisfaction of his immediate superiors. This has to be examined afresh by the official respondents in the light of submissions made by the applicant. We are not

inclined to grant any other relief to the applicant under the facts and circumstances of the case as discussed above.

6. That being so, the O.A. is disposed of with the observations made hereunder :-

The Respondent no.2 is directed to consider the claim of the applicant with reference to his claim for regularization as Fitter Khalasi w.e.f. the date of his deputation to the post after giving an opportunity to the applicant of being heard and pass reasoned and speaking order in accordance with law in terms of observations made above within a period of three months from the date of receipt/production of this order. No costs."

It is thereafter that the respondents have passed the impugned order.

3. We have heard the learned counsels. It is clear from perusal of the impugned order that the applicant was screened in the year 1990 and posted as Khalasi in the scale of Rs.750-940. He was subsequently promoted as Sr. Khalasi w.e.f. 01.03.1993. It is also noted that the three persons noted in the order had been regularly appointed much earlier. When the applicant has been screened for appointment as Group 'D' staff in 1990 only, there is no question of his appointment to the post of Fitter Khalasi w.e.f. 16.05.1986. He has also to qualify in the requisite test.

4. Under such circumstances, we see no reasons to interfere with the orders passed by the authority.

5. The OA is disposed of accordingly with no order as to costs.

[Sadhna Srivastava]/M[J]

Shankar Prasad  
[Shankar Prasad]/M[A]

skj.