

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: MUMBAI
ORIGINAL APPLICATION NO:890/1999
DATED THE 11TH DAY OF DECEMBER,2002

CORAM:HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Zakir Hussain Mirasaheb Mutwalli
R/o.Mujawar Galli, Near Dargah
Shiran Dhelij, Miraj - 416 410
Dist.Sangli (Maharashtra)

... Applicant

By Advocate R.M.Momin

V/s.

1. Union of India,
through Secretary,
Ministry of Railways,
Nirman Bhavan,
New Delhi.
2. General Manager,
South Central Railway,
Secunderabad - 500 371.
3. Chief Commercial Manager,
South Central Railway,
Secunderabad - 500 371.
4. Divisional Railway Manager,
South Central Railway,
Hubli Division, Hubli.
5. Chief Reservation Supervisor,
South Central Railway,
Miraj Railway Junction,
Miraj, Dist.Sangli.

... Respondents

By Advocate Shri V.S.Masurkar

ORAL ORDER

Per Hon'ble Shri A.V.Haridasan, Vice Chairman

The applicant son of a retired railway employee was casually engaged for typing from 1989 onwards. His services were dispensed with effect from 19/3/1997. His request for considering him for appointment against Group'D' post has not so far been considered. The applicant has stated that persons similarly placed like him, one Kum.M.Saraswati, Shri

...2.

K.G.Balakrishnan, Smt.Minakshi Kakade and Mrs.Shaikh Mohammed were appointed by respondents regularly and that not granting similar benefit to him is arbitrary and discriminatory. With these allegations, the applicant prays that the respondents be directed to select the applicant for any post in Group 'D' category or in any other posts in the South Central Railway. The respondents resist the claim of the applicant. They contend that as the applicant was engaged for typing work occasionally for the maximum of about 40 minutes a day. He has not acquired any right for regularisation or continued employment. They also state that the case of persons referred to by the applicant were totally different on facts. The respondents plead that the OA which is devoid of merit viz. OA be dismissed.

2. On hearing the learned counsel for both sides and perusal of the record, we do not find that the applicant has established any right for appointment against Group 'D' post. The applicant had been engaged on contract basis for typing work for 40 minutes a day. This does not confer ^{on} him any enforceable right for regular appointment. The OA which is devoid of merit is dismissed. No orders as to costs.



(SMT.SHANTA SHASTRY)
MEMBER(A)



(A.V.HARIDASAN)
VICE CHAIRMAN

abp