

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.176/2001.

Wednesday, this the 2nd day of May, 2001.

Coram: Hon'ble Shri Justice Ashok Agarwal, Chairman,  
Hon'ble Smt. Shanta Shastry, Member (A).

Rajkumar Sharma,  
C/o. Shri Fatebahadur Sharma,  
Dadar, Dugdhalaya Shop,  
Bhawani Shankar Road,  
Dadar (West),  
Mumbai - 400 028.  
(By Advocate Shri K.B.Talreja)

...Applicant.

Vs.

1. Union of India, through  
the General Manager,  
Central Railway,  
Mumbai CST.
2. The Chief Personnel Officer,  
Central Railway,  
G.M's Office,  
Mumbai CST.  
(By Advocate Shri V.S.Masurkar)

...Respondents.

: O R D E R (ORAL) :

{Per Smt. Shanta Shastry, Member (A)}

This is an application made for regularising the applicant in a Group 'D' post <sup>and 1/2</sup> If the post of Substitute Bungalow Peon is not available then to create a supernumerary post.

2. The applicant was working as a Substitute Bungalow Peon in the grade of Rs.750-940 in the Headquarters Office of the Central Railway, Mumbai CST w.e.f. 15.11.1996. One Shri M.L.Verma who was holding the post of Deputy C.M.E. (P) <sup>to whom he was attached</sup> had expired on 1.3.1999. However, the applicant was continued as substitute Bungalow Peon and was attached to Dy. C.E. (Safety) Engineering Department. But no office order for engagement of substitute Bungalow Peon with Dy. C.E. (Safety) as such was

....2.

issued. Applicant submits that he started attending the office of the Respondents for further orders, but he was not given any particular duty. He, thereafter, approached this Tribunal vide OA 82/2000 for regularisation and claim for payment for the period he had not been paid. The OA was disposed of with the following directions:

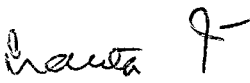
"Respondents shall consider the case of the applicant for further appointment as per his eligibility and as per Rules subject to the records of his service and other matters in case of any vacancy. The Applicant may make a separate application for this purpose within one month from today which can be decided by the Respondents as per Rules."

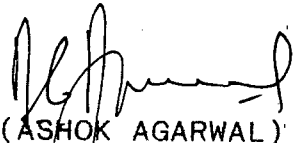
Thereafter, an office order No.158/2000 was issued and the applicant was posted with Smt. R.G.Menon, Dy. Chief Personnel Officer (Commercial) in the Grade of Rs. 2550-3200. A certificate was issued by Smt. Menon about the satisfactory working of the applicant as Bungalow Peon since 24.11.2000. The applicant has further submitted that the post of Bungalow Peon had been sanctioned on 3.11.2000. However, thereafter, the applicant has not been provided with any work and Smt. Menon also retired immediately after the issue of the certificate on 31.1.2001. The applicant, is therefore, aggrieved that he has neither been terminated nor has he been discharged from duty, at the same time, he is not allowed to work either. It is the contention of the applicant that he has been serving for more than 3 years and he is therefore, entitled to be regularised against any Group 'D' post.

3. The Respondents submit that the applicant has not completed three years of service and thereafter<sup>M-</sup> he is not

entitled for screening and regularisation. The applicant's name was struck off from the muster roll from March, 1999. However, he was taken back as per the directions of the Tribunal. Since the applicant has not yet completed three years regular service, the question of considering him for regularisation does not arise. The Learned Counsel for the Respondents has drawn our attention to instructions issued by the Headquarters Personnel Branch, Mumbai CST dt. 11.6.1996 on the issue of appointment and regularisation of Bungalow Peon - terms and conditions of service. According to para 3 of these instructions, it is seen that the candidates should be medically fit for appointment as substitute Bungalow Peon and the service of Bungalow Peon will be regularised after completion of three years continuous service, if found suitable in the screening. It is very clear, therefore, that a minimum of 3 years continuous service is required for being screened for regularisation. As the applicant does not fulfill this condition, he cannot be considered for regularisation.

4. In the facts and circumstances of the case, the OA is dismissed. No costs.

  
(SHANTA SHASTRY)  
MEMBER(A)

  
(ASHOK AGARWAL)  
CHAIRMAN

B.