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Date of Decision: 10.5.1999

OA 981/92

1. Madho Ram Soni, Assistant Electrical Foreman, Diesel Shed, Western Railway, Phulera.
2. Rajendra Prasad, Assistant Electrical Foreman, Diesel Shed, Western Railway, Ajmer.

... Applicants

Versus

1. Union of India through the General Manager (P), Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (Estt.), Western Railway, Ajmer.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... None

For the Respondents

... Mr.Parmanand, CIA,

departmental representative

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicants, Madho Ram Soni and Rajendra Prasad, have filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying therein that the order dated 11.6.1987, at Annexure A-1, so far as it relates to the applicants, may be quashed and the respondents may be directed to treat the applicants as duly selected for the post of Electrical Charge man in the grade Rs.425-700 (R) from the date they joined to officiate, or in the alternative and without prejudice, respondent No.2 may be directed to regularise the applicants' services on the basis of formal selection by holding viva-voce test only.

2. The matter was earlier heard by a Division Bench comprising of the then Hon'ble Vice Chairman (J) and the then Hon'ble Administrative Member. The learned the then Administrative Member had come to the conclusion that this application is liable to be dismissed. The learned the then Vice Chairman (J) was of the view that the applicants cannot claim the status of regular employees unless their services are regularised in accordance with law and the option should be left with the government to pass any order after considering the guidelines in his order. Since there was a conflict of views between the then Hon'ble Vice Chairman (J) and the then Hon'ble Administrative Member, the matter was referred to Hon'ble the Chairman for

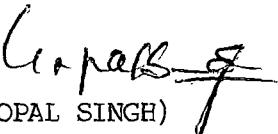
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constituting a larger Bench to resolve the conflict. Ultimately, Mr. Gopal Krishna, Vice Chairman (J), a member of the present Division Bench, was nominated by Hon'ble the Chairman to hear this application as third member. All the questions formulated by the Division Bench have already been answered by the third member.

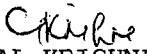
3. None is present for the applicants. We have heard Mr. Parmanand, CLA, departmental representative for the respondents.

4. Applicant No.1 namely Madho Ram Soni has retired from service on 30.6.94. Applicant No.2, Rajendra Prasad, has taken voluntary retirement w.e.f. 4.5.97, as stated by Mr. Parmanand, CLA, departmental representative for the respondents.

5. In view of the findings recorded by the third member and in view of the fact that the applicants have already retired from service, we find that this application does not merit any consideration. This application is, therefore, dismissed with no order as to costs.


(GOPAL SINGH)

ADM. MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK