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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.512-OF-1994

DATE-OF-ORDER:- 1st-JULY, -1997

BETWEEN:

NANDALAL SHARMA

.. APPLICANT

AND

1. The General Manager,
Personnel Branch,
South Central Railway,
Secunderabad,

2. The Chief Personnel Officer,
S.C.Railway,
Secunderabad.

.. RESPONDENTS

--- COUNSELLOR: MR. V. SUDHAKAR REDDY
COUNSEL FOR THE RESPONDENTS: Mr.N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

None for the applicant. Heard Mr.N.R.Devaraj,
learned standing counsel for the respondents.

2. The applicant in this OA was engaged as Substitute Bungalow Peon to Mr.A.K.Saxena, Systems Manager (PRS)/SC by the order dated 9.7.90 with effect from 6.7.90 in the pay scale of Rs.750-940. On transfer of Mr.A.K.Saxena, the services of the applicant were terminated with effect from 19.12.90. He was appointed afresh as Bungalow Peon from

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29.5.91 and was paid @ Rs.8/- per day. Subsequently, the applicant was transferred as Bungalow Peon to the Deputy CVO/T with effect from 29/6/92. The applicant was granted 45 days' leave from 22.4.93 as he was sick. He was taken back to duty and posted as Bungalow Peon under Shri P.K.Srivastava, Dy.CSTE/SW/SC treating him as a fresh entrant. Thus the services of the applicant were terminated when ^{ever} that officer was transferred. Because of the break in-between, the applicant had not completed three years of continuous service and hence he was not taken as a regular servant. ~~Letter NO D(R)~~ 564/RP dated 15.10.69.

3. The applicant relying on the judgement in OA 814/90 submits that his termination is arbitrary and hence he should be treated as a regular railway servant right from the date he was initially engaged i.e, from 7.7.90 onwards.

4. This OA is filed praying for a direction to the respondents herein to regularise his services in the post of Bungalow Peon with effect from 7.7.90 by ignoring all the artificial breaks.

5. A reply has been filed only today in this OA. The substance of the reply is that the applicant had not put in mandatory three years' of service. As he cannot be continued as Bungalow Peon continuously, he cannot ask for the relief in this OA. However, it is stated that he has been regularised by the order dated 19.3.97 in S&T Branch (Annexure-E to the reply). The respondents submit that, as

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he is already regularised with effect from 19.3.97 he has no grievance. However, he cannot be given regularisation earlier to that date as he had fulfilled the conditions only with effect from that date.

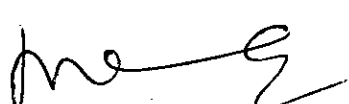
6. By regularising his services with effect from 19.3.97 in S&T Branch, a considerable portion of his relief has already been granted by the respondents themselves. We do not further express any opinion in regard to the as well as to the respondents. However, the only point for consideration in this OA is whether the date of regularisation with effect from 19.3.97 is in order or not. The applicant has now been regularised in a seniority unit. If any of the casual labourers who are posted in that seniority unit in which the applicant is posted has less number of days of ^{Casual} ~~the~~ service compared to the number of days of ^{Substitute} ~~the~~ service put in by the applicant as a Substitute and that casual labourer has been regularised earlier to 19.3.97 then the date of regularisation of applicant should also be preponed to that date.

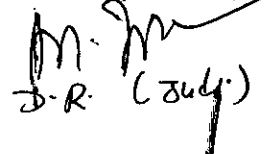
7. With the above directions, the OA is disposed of.
No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

1.7.97

DATED: -1st July, -1997
Dictated in the open court.


(R. RANGARAJAN)
MEMBER (ADMN.)


D.R. (July)

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17/7/97
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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:M
(J)

DATED: 11/7/97

ORDER/JUDGEMENT

M.A./R.A./C.A. NO.

in

O.A. NO.

512494

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

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TI Court.

