

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. No. 439/93

Date of decision: 10.1.95

GANGA DHAR MEENA

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. G.D. Parwal : Counsel for the applicant.

None present on behalf of the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Member (Judicial)

Hon'ble Mr. N.K. Verma, Administrative Member

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDICIAL):

The applicant, Ganga Dhar Meena, has filed this application U/S 19 of the Administrative Tribunals Act, 1985, praying for regularisation in the post of TCM Grade-III and for payment of arrears of the salary w.e.f. 1-8-92.

2. We have heard the learned counsel for the applicant. None is present on behalf of the respondents. No reply has been filed on behalf of the respondents in spite of several opportunities having been given to them.

3. The applicant has averred that he was initially appointed as a Gangman in the Western Railway at Kota on or about 1.9.81. Thereafter, he was posted as a Trolleyman by order dated 9.10.84 in the RE Organisation, Kota. The applicant is a member of the Scheduled Tribes. The applicant has already passed the test for the post of TCM Grade-III and worked, as such, for several years from 17.10.86 till he was relieved from the said post on 31.7.92. The post of TCM Grade-III carried a scale of pay Rs. 950-1500(2). The aforesaid grade was not given to the applicant w.e.f. 1-8-92 and the applicant was transferred as a Khallasi/Gangman from the Engineering Department to the Telephone Department vide order dated 9.2.93 at Annexure A-9. The operation of the order dated 9.2.93(Annexure A-9) has been stayed by this Tribunal. The applicant is presently working as TCM-Grade III under the interim direction issued on the

said date by this Tribunal. The applicant contends that having passed the trade test for promotion to the post of TCM Grade-III scale 260-408, ^{he} was promoted to officiate as TCM Grade-III scale 260-408, ^{Ok} ~~in ad hoc basis, as per his seniority~~ ^{Ok} is entitled to regularisation in the said post. Since the applicant was appointed on adhoc basis as TCM Grade-III after clearing the trade test for the said post and is still working, as such, under a stay order granted by the Tribunal, he may be considered for regularisation in the said post as ^{the} applicant's case has not been rebutted by the respondents by way of filing a reply.

4. In the result, we direct the respondents to consider the applicant's case for regularisation in the post of TCM Grade-III subject to any vacancy in the said post, as per rules and as per his seniority position. This O.A. is disposed of accordingly, with no order as to costs.



(N.K. VERMA)
Administrative Member



(GOPAL KRISHNA)
Member(Judicial)