

Date of Decision: 3.2.94.

OA 680/93

PATI RAM

... APPLICANT.

Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicant ... SHRI RAJVEER SHARMA.

For the Respondents ... SHRI M. RAFIQ.

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

Applicant Pati Ram in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed that the respondents be directed to consider the applicant for regularisation on the post of Driver and Mechanic-cum-Driver in permanent cadre since 1.9.88 with all benefits regarding seniority etc. He has further prayed that the respondents be directed not to transfer him from Kota to any other Division without regularising his services and in case he is transferred from Kota to another Division, his seniority since 30.11.74 should be given to him.

2. We have heard the learned counsel for the parties and have carefully perused the records.

3. The applicant is working as Mechanic-cum-Driver scale Rs.1200-2040 (RP) under CIOW (S&C) Kota. He was given temporary status since 1.1.81. He passed the trade test for the post of Driver on 10.10.86 but his services have not been regularised. The applicant claims that he should have been regularised and absorbed in regular vacancies of the skilled grade. It is also stated on behalf of the applicant that he made several requests to the respondents through his representations but his case has not been considered so far. It is also stated by him that the respondents do not want to give any regular promotion to the applicant and they


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intend to transfer him from Kota to Barchha treating him as<sup>a</sup> casual employee. The learned counsel for the respondents states that the order of his transfer has already been passed vide Annexure A-12 dated 1.6.93. However, the learned counsel for the applicant instead of pressing this application on merits, wishes to make a detailed representation to the concerned authority regarding his grievance and he wants that the representation so made should be decided by respondent No.2 on merits by a speaking order.

4. We, therefore, dispose of this OA with the following directions:-

- i) The applicant shall make a representation to the respondent No.2 (DRM Kota) within a week from today and the respondent No.2 is directed to decide the same as per rules within a month of the receipt of representation through a detailed order on merits.
- ii) The applicant shall however be at liberty to file a fresh OA, if so advised, after a decision has been taken on his representation.
- iii) There shall be no order as to costs.

  
( O.P. SHARMA )  
MEMBER (A)

  
( GOPAL KRISHNA )  
MEMBER (J)