

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 21.02.2001

OA No. 57/96

Aslam Khan s/o Shri Chittar Khan, aged about 31 years, R/o Purohitnagar, Kota Jn., at present employed on the post of Driver in the Office of Dy. Chief Signal & Telecommunication Engineer (C), Kota, Wester Railway.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Senior Divisional Signal and Telecommunication Engineer (E), Western Railway, Kota Division.
3. Dy. Chief Signal & Telecommunication Engineer, Western Railway, Kota.

.. Respondents

Mr. C.B.Sharma, Proxy counsel to Mr. J.K.Kaushik, counsel for the applicant

Mr. Anupam Agarwal, Proxy counsel to Mr. Manish Bhandari, counsel for respondents.

CORAM:

Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

Order

Per Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

This OA is filed for a direction to the respondents to delete the name of the applicant from the impugned order dated 18.12.95 vide Ann.A1 with further direction to absorb/regularise the applicant on the post of Driver and allow all other consequential benefits.


2. This matter we heard on earlier occasion having found

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conflicting opinion between the judgment of this Bench and the Jodhpur Bench, we had referred the matter to the Full Bench. Thereafter, the Full Bench has declared the law holding that a person directly engaged in Group 'C' post (Promotional post) on casual basis and has been subsequently granted temporary status would not be entitled to be regularised on Group 'C' post directly but he would be liable to be regularised in the feeder cadre in Group 'D' post only. The Full Bench further observed that his pay which he drew in Group 'C' post would, however, be liable to be protected.

3. In view of this law declared by the Full Bench, the prayer of the applicant that his name may be deleted from Ann.A1 dated 18.12.95 cannot be granted. The applicant has been rightly regularised in Group 'D' post, since he was not entitled to be regularised on Group 'C' post on which he was engaged on casual basis and subsequently conferred temporary status. It is made clear that in view of the law declared by the Full Bench, his pay in Group 'C' is liable to be protected. Accordingly we dispose of this OA as under:-

Application is dismissed. However, the applicant's pay in Group 'C' post is liable to be protected.


(N.P.NAWANI)

Adm. Member


(B.S.RAIKOTE)

Vice Chairman