

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order: 3.12.2001

OA No.472/1996

Ganeshi Lal s/o Shri Bholu Ramji r/o E-33, Mazdoor Nagar, Ajmer Road, Jaipur, presently working as Carpenter in the office of Divisional Commercial Superintendent, Western Railway, Jaipur.

..Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.
2. The Chief Commercial Superintendent, Western Railway, Churchgate, Bombay.
3. The Divisional Railway Manager, Western Railway, Jaipur.

.. Respondents

Mr.P.P.Mathur, proxy counsel to Mr. R.N.Mathur, counsel for the applicant.

None present for the respondents.

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member


The applicant was initially appointed on daily wage basis in the year 1968 and he worked under Inspector of Works (South), Jaipur up to June, 1974 when his services were terminated. A post of Carpenter fell vacant in the Publicity Department of the Western Railway at Jaipur. The applicant submitted an application on 7.8.1994 and he was engaged as a substitute Carpenter. He was



granted temporary status on 3.1.1975. Further, he was subjected to a trade test on 15.4.1975. However, services of the applicant were not regularised. Apprehending termination of his services the applicant filed a Writ Petition before the High Court of Rajasthan, which came to be transferred as TA No.692/86 to Central Administrative Tribunal. This was disposed of on 13.7.1992 partly allowing the TA and with the directions to the respondents not to revert the applicant from the post of Carpenter unless he has been allowed 3 opportunities for regular selection. In pursuance of this order, a trade test was conducted on 26.5.1994 in which he was declared successful. The applicant has filed this OA with the prayer that the respondents be directed to give seniority to the applicant w.e.f. 8.8.74 and further the respondents be directed to take a favourable decision on his representation.

2. Notices of this OA were sent to the respondents who have filed their reply, in which it has been stated that as per the directions of this Tribunal, the applicant was subjected to a trade test on 9.5.1994 and on his being declared successful, he has been regularised on the post of Carpenter w.e.f. 26.5.1994.

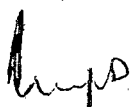
3. We have heard the learned counsel for the applicant. Since there was none present for the respondents, the respondents were directed to file any written submissions within 3 days. It appears that the respondents have chosen not to avail of this opportunity.

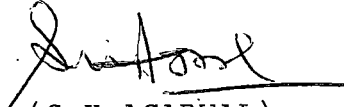


4. Based on the averments in the OA and reply of the respondents and the arguments advanced by the learned counsel on behalf of the applicant, we are of the view that in view of the facts and circumstances of this case, the applicant cannot claim any right of regularisation from a date anterior to 26.5.1994. He stands regularised and his main grievance does not survive any more. The learned counsel for the applicant drew our attention to letter dated 1.7.1994 (Ann.A5) by which DRM, Jaipur has written to CPRO, Mumbai proposing granting of lien to the applicant under the ICW (Traffic Workshop). It appears that the same remains undecided. The learned counsel submitted that this OA could be disposed of by directing the respondent No.1 to grant lien to the applicant as proposed by DRM, Jaipur vide his letter dated 1.7.1994.

5. In view of the submissions advanced on behalf of the applicant and proposal made by the DRM, Jaipur vide letter dated 1.7.94 (Ann.A5), we pass the following order:-

"OA is partly allowed. The applicant already stands regularised w.e.f. 26.5.1994 and his claim for seniority w.e.f. 8.8.1974 is not sustainable. However, we direct respondent No.3, DRM, Jaipur, to send a copy of his proposal dated 1.7.1994 to respondent No.1 within two weeks from the date of this order. Respondent No.1 is directed to communicate his decision on this proposal within one month thereafter. No order as to costs.

  
(A.P.NAGRATH)  
Adm. Member

  
(S.K.AGARWAL)  
Judl. Member