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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 24.4.2000

OA 461/97

Manoranjan Das, Jeep Driver under CPWI North Gangapur City, Western Railway, Kota Division, Kota.

... Applicant

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager (E), Western Railway, Kota Division, Kota.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Shiv Kumar

For the Respondents

... Mr.Hemant Gupta, proxy

counsel for Mr.Manish Bhandari

O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicant makes a prayer to quash and set aside the impugned order dated 31.7.97, issued by the respondent No.2, by which the applicant was regularised on the post, of Gangman scale Rs.775-1025. Further direction is sought to regularise the services of the applicant on the post of Driver.

2. The facts of the case, as stated by the applicant, are that the applicant was initially appointed on the post of Jeep Driver. Therefore, regularisation of the applicant on the post of Gangman is illegal, arbitrary and without jurisdiction. It is also stated that the applicant has not appeared in the screening test. Therefore, regularisation of the applicant on the post of Gangman (scale Rs.775-1025 RP) is altogether illegal and without jurisdiction. The applicant is working on the post of Jeep Driver for the last 15 years. Therefore, he is entitled to the relief sought for.

3. Reply was filed. In the reply it has been stated that the applicant cannot be regularised on the post of Jeep Driver but services of the

—applicant was regularised in Group-D post vide order dated 31.7.97. Therefore, this OA is devoid of any merit and is liable to be dismissed.

4. Heard the learned cocounsel for the parties and also perused the whole record.

5. In Nanga Singh v. Union of India and others, OA 52/98, decided on 27.1.2000, this Tribunal, on the basis of a judgement given by the Hon'ble Apex Court in Ram Kumar v. Union of India and Others, 1998 (1) SCC 306, has taken a view to protect the pay of the applicant and held that the applicant was not entitled for regularisation against Group-C post. The case of the applicant is squarely covered by the order passed by this Tribunal on 27.1.2000 in OA 52/98.

6. We, therefore, dispose of this OA with the direction to the respondents to protect the pay of the applicant in view of the judgement of the Hon'ble Supreme Court in Ram Kumar's case, cited supra. This judgement shall not preclude the respondent to permit the applicant to work as MRCL in the pay scale of Rs.950-1500 (old), now it is revised, till he is promoted in Group-C post against the quota fixed for promotion. No order as to costs.



(N.P.NAWANI)
MEMBER (A)



(S.K.AGARWAL)
MEMBER (J)