(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.383/99 Date of order: 3.7.2000

Sanwar Lal Kumhar, S/o Shri Ram Chandraji, R/o Village Singhawal, Post Singhawal, Distt.Ajmer, Season Waterman.

...Applicant.

Vs.

1. Union of India through the Secretary, Mini. of Railways, 242, Rail Bhawan, New Delhi.
2. Western Railway through its General Manager, Church Gate, Mumbai.
3. The Divisional Rail Manager (Estt), Ratlam.

...Respondents.

Mr.Sunil Samdaria - Counsel for applicant

Mr.T.P.Sharma - Counsel for respondents.

CORAM:

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

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

In this Original Application under Sec.19 of the Administrtive Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to regularise the services of the applicant as seasonal Waterman and not to discontinue the services of the applicant and treat him continuous in service w.e.f. 30.6.92.

2. In brief the case of the applicant is that he was initially appointed as Seasonal Waterman on 18.4.84. Thereafter, he was engaged from 12.4.86 to 15.7.86 and thereafter he was engaged regularly from 1987 to 1992 but he was not engaged after 1.6.92. It is stated that the applicant has completed more than 120 days and temporary status was conferred upon him w.e.f. 27.4.87. He was also medically examined on 15.4.87 but he has not been regularised on the post. It is stated that the applicant worked from 1984 to 1992 and was conferred temporary status, therefore, he is entitled to regularisation but the respondents are not regularising the services of the applicant. Therefore, he filed the O.A for the relief as mentioned above.

3. Reply was filed. In the reply it has been emphasised that the applicant is not entitled to regularisation in view of the facts mentioned in the reply.

4. Heard the learned counsel for the parties for final disposal at the stage of admission and also perused the whole record.

5. The learned counsel for the applicant submits that this Tribunal in O.A No.311/99 decided similar matter on 7.10.99 and took the view to direct the respondents to consider the case of the applicant for regularisation. The learned counsel for the

respondents also concedes to the extent that similar view in O.A No.311/99 was taken by this Tribunal vide order dated 7.10.99.

6. In view of the facts and circumstances of this case, the O.A is disposed of with a direction to the respondents to consider the candidature of the applicant for regularisation of his services as Waterman as per rules if he is found fit for the same subject to the availability of vacancy, by following instructions and guidelines available on the subject, within a period of 3 months from the date of receipt of a copy of this order. No order as to costs.

(S.K.Agarwal)
Member (J).