

**In The Central Administrative Tribunal  
Jaipur Bench, Jaipur**

478/99  
OA./TA/MP No.....

Abdul Hakim

Versus

UOI & Anr.

Date of Order

Orders

30.4.2001

Mr. Shiv Kumar - Counsel for applicant

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

Mr. Balvender Singh)

No reply has been filed although Mr. T.P. Sharma appeared on behalf of the respondents and sought time for filing the reply on 25.1.2001 but no reply has been filed.

2. The counsel for the applicant submits that he seeks decision of this O.A in view of the order passed by larger Bench in O.A No.57/96 Aslam Khan Vs. UOI & Ors.

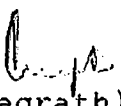
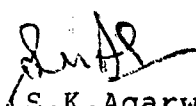
3. We have given anxious consideration to the contention of the learned counsel for the applicant and also perused the whole record.

4. Admittedly, the applicant has been regularised in Group-D post vide order dated 6.8.97 in the pay scale Rs.750-940. It is also an undisputed fact that the applicant was drawing the pay in the pay scale Rs.950-1500 at the time of his regularisation.

5. In Jamnadas Vs. UOI & Ors, SLJ 2000(1) 512, it was held that in Railways there can be no regularisation against Group-C post but only in Group-D post. Larger Bench of this Tribunal in O.A No.57/96 Aslam Khan Vs. UOI & Ors, decided that there can be no regularisation directly against any Group-C post and the applicant who is a casual labourer can only be regularised against Group-D post. Therefore, in view of the settled legal position and facts and circumstances of this case, we are of the opinion that the applicant is not entitled to regularisation in Group-C post. However, the applicant is entitled to protection of his pay which he was drawing at the date of his regularisation.

6. We, therefore, dispose of the O.A with the

**C. A. T. Bench, Jaipur**

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<p>Recd 3/5/2017 Remuneration 3/5/2017 108/2001</p>	<p>2</p> <p>direction to the respondents to protect the pay of the applicant which he was drawing at the date of his regularisation till he is promoted against promotion quota. No order as to costs.</p> <p> (A.P.Nagrath) Member (A).</p> <p> (S.K.Agarwal) Member (J).</p>