

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 298 of 2002

Jabalpur, this the 31st day of March 2003.

Hon'ble Mr. Shanker Raju - Member (Judicial)  
Hon'ble Mr. R.K. Upadhyaya - Member (Admnv.)

Neeraj Tiwari  
Son of Shri K.S. Tiwari  
aged about 33 years,  
Pharmacist  
In P&T Dispensary,  
Post and Telegraph Hospital  
No. 1, Jabalpur,  
R/o Gayatri Nagar Katni  
Distt. Katni (MP)

APPLICANT

(By Advocate - Shri M.K Soni)

VERSUS

1. Union of India  
Through Secretary,  
Ministry of Postal and  
Telecommunication  
Department, New Delhi.
2. Senior Superintendent of  
Post Office  
Jabalpur Division, Jabalpur
3. Chief Medical Officer  
(Incharge)  
P&T Dispensary No. 1  
Jabalpur,  
Distt. Jabalpur (MP)

RESPONDENTS

(By Advocate - Shri S.A. Dharmadhikari)

ORDER (Oral)

By Shanker Raju, Member (Judicial) -

The applicant was engaged and took charge as Pharmacist on daily wages on 24.4.1997. He assails his termination and has sought for regularisation.

2. The learned counsel of the applicant stated that in an interview he was found fit for the post of Pharmacist and on selection had continued for five years. He has excellent service record. On 5.4.2002 the respondents intimated him that his further continuance in service would not be possible as the post is being

filled up by some other person. It is contended that on being appointed as per the procedure, his services are liable to be regularised.

3. On the other hand the respondents counsel strongly rebutted the contention and stated that being Group-C post the applicant has to face selection and thereafter he would be appointed on regular basis as he has been given engagement on purely daily wages and there being no sanctioned post, continuance of the applicant cannot bestow him a right of regularisation.

4. We have carefully considered the rival contention of the parties and perused the material on record.

5. The initial engagement of the applicant was not on regular basis but was on daily wages although he continued for five years. As the due procedure of selection was not undertaken before his engagement, as such he was not appointed in accordance with rules. The aforesaid continuance for five years would not bestow him a right to be regularised. Moreover, in a Group-C post there cannot be a question of regularisation but the post is to be filled up as per the selection to be undertaken by the respondents. However, having regard to the continuance of the applicant for five long years, in case he applies in the event a post is advertised by the respondents, he would be considered for age relaxation. With this observation, the claim of the applicant for reinstatement and regularisation fails. The O.A. is dismissed. No costs.

(R.K. Upadhyaya)  
Member (Admnv.)

S Raju  
(Shanker Raju)  
Member (Judicial)

पृष्ठंकन सं अ/का.....जवालपुर, दि.....

(1) श्री...

जवालपुर

R L Gupta Adr

(2) श्री...

जवालपुर

S D Sharmachikam Adr

(3) श्री...

जवालपुर

(4) श्री...

सूचना एवं अभिलेख कक्षा

2/4/03  
उप अधिकारी

Issued  
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RS