

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
CIRCUIT COURT SITTING HELD AT INDORE

O.A. NO. 457/1998

1. Vinod Mangilal, Shukla, Trains Controller, Divisional Office, Ratlam.
2. Gopal Lal Meena, Trains Collectrller, Divisional Office, Ratlam.
3. Sunil Agnihotri, K.M. Agnihotri, Trains Controller, Divisional Office, Ratlam.

... Applicants

V e r s u s

Union of India, represented by :-

1. General Manager,
W. Rly., Churchgate.
2. Divisional Rail Manager,
W. Rly., Ratlam.

... Respondents

Counsel :

Shri A.N. Bhatt for the applicant.
Shri Y.I. Mehta, Sr. Adv. assisted with Shri H.Y. Mehta for the respondents.

Coram :

Hon'ble Shri Justice N.N. Singh - Vice Chairman.
Hon'ble Shri Govindan S. Tampi - Member (Admnv.).

O R D E R
(Passed on this the 21st day of February 2003)

By Hon'ble Shri Justice N.N. Singh - Vice Chairman :-
have

The applicants/ filed this original application for direction to the respondents to regularise the applicants as Train Controllers from their posting as Section Train Controllers on adhoc basis, followed by regularisation with effect from 09/02/1995. They have also prayed for all consequential benefits such as pay fixation, seniority etc. on that basis.

2. The case of the applicants is that they were posted

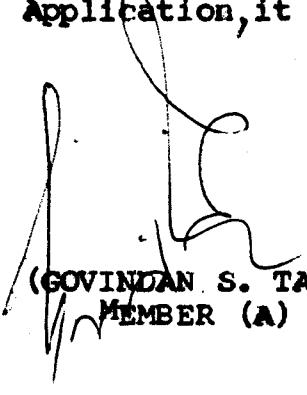
on adhoc basis in the year 1994 and 1995 and they still continued as Section Train Controllers. They claimed that after posting on adhoc basis, they were posted against clear vacancies and are working as such till date and that they applied for the selection of Trains Controller's post for which they were called for selection and were selected against clear vacancies in the year 1995. They asserted that their adhoc functioning followed by regularisation and/ ~~reversion~~ never since their posting and imparting training at Udaipur from 05/07/1995 to 04/09/1995 entitled them for regularisation on that posts.

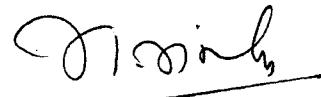
3. The respondents contested the claim of the applicants therein by filing reply asserting/that in exigencies, the applicants were posted purely on adhoc basis as Train Controllers in the scale of Rs. 1400-2600 with the condition that in case of availability of selected candidates, they would be posted on their original post. Further case of the respondents is that after completion of the requisite training the applicants were promoted and posted as Assistant Train Controllers by Annexure A-6 and their claim for counting the period of adhoc working was referred to the Headquarters. It was also claimed that ^{their} services were utilised on adhoc basis and they could be posted regularly on promotion only after completion of requisite training course ~~and~~ after that practical training in the Control, yards etc. The case of the respondents is that the Headquarter office replied the reference advising that they could be confirmed as Assistant Train Controllers in the grade of Rs. 1400-2600 from the date of completion of 16 weeks training after 14/03/1996. It was also asserted that the applicants can be regularly promoted only after 16 weeks training after 14/03/1996. On these grounds it was prayed that the prayer of the applicants should be rejected.

4. A rejoinder was filed by the applicant stating therein that the incorrect orders were received and implemented putting loss of seniority and recovery of wages.

5. We have heard learned counsels of both the sides and have gone through the record. The rules required 16 weeks training before regularisation of the services of Train Controllers. Admittedly the applicants were imparted training at Training School at Udaipur from 05/07/1995 to 04/09/1995 only. Annexure A-1 clearly provides that after completion of theoretical training and field training in the yard, a period of 16 weeks training was necessary. Perhaps that is why there was recovery. Annexure R-2 filed by the respondents also provided for training before promotion. Reliance was placed on the decision of Hyderabad Bench of this Tribunal in the case of P. Balaiah Naidu Versus Union of India and others reported at 2000(2) ASLJ Page 288 ^{where} ~~where~~ similar prayer for treating adhoc period as training was refused and it was further held that training was a must and they cannot get benefit of adhoc service.

6. We have considered the prayer of the applicant and we are of the opinion that that the applicants cannot get their posting on adhoc basis counted for the purpose of their regularisation. Accordingly, finding no merit in this Original Application, it is dismissed, but without any order as to cost.


(GOVINDAN S. TAMPI)
MEMBER (A)


(N.N. SINGH)
VICE CHAIRMAN

पूर्वांकन सं. शो/सा..... जलतपुर. दि.....

परिविधि/परि आवो दिन:-

- (1) रामेश, शो/सा. विश्वामित्र द्वारा एसोसिएट, जलतपुर
- (2) रामेश, शो/सा. विश्वामित्र, जलतपुर
- (3) रामेश, शो/सा. विश्वामित्र, जलतपुर
- (4) रामेश, शो/सा. विश्वामित्र, जलतपुर व्याख्यात

सूचका एवं आवश्यक कार्यवाही हेतु

उप (लाइसेंस) 28/2/03

Issued
on 28.2.03
En 28/03