

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2015

CORAM

THE HONOURABLE MR. JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR. JUSTICE T.MATHIVANAN

W.P.Nos.4426 of 2015

A.Balakrishnan ... Petitioner

vs.

1.Union of India, rep.by
The General Manager,
Southern Railway,
Park Town, Chennai-600 003

2.The Divisional Railway Manager,
Madurai Division, Southern Railway,
Madurai-16

3.The Divisional Personnel Officer,
Madurai Division, Southern Railway,
Madurai-16

4.The Registrar,
The Central Administrative Tribunal,
Madras Bench, Chennai. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the order of the 4th respondent made in O.A.No.133 of 2011 dated 21.08.2013, and to quash the same and consequently direct the respondents to consider the claim of the petitioner for regular appointment as per the Rules in vogue and to extend all the consequential service benefits.

For Petitioner
For Respondents

..
..

Mr.L.Chandrakumar
Mr.J.Harikrishna for R1 to R3

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioner has come up with the above writ petition challenging an order passed by the Central Administrative Tribunal, rejecting his claim for absorption in a regular post.

2. Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.J.Harikrishna, learned Standing Counsel appearing for the respondents.

3.The petitioner filed an application in O.A.No.133 of 2011, on the file of the Central Administrative Tribunal, seeking absorption into a regular post in the Railways on the ground that he was working as a Substitute/Casual Laborer from 24.7.1985 up to 28.02.1986 and that thereafter he was stopped for want of vacancies. It was the case of the petitioner that his name was included in the live register dated 18.7.1986 for the purpose of empanelment of Substitute/Casual Laborer, but thereafter, he never got absorbed.

4. The Tribunal dismissed the application on two grounds, namely, (i) that the petitioner had approached the Tribunal after more than twenty five years and (ii) that there was no legal right vested in the petitioner. Aggrieved by the dismissal of his claim, the petitioner is before this Court.

5. Admittedly, the petitioner worked only for a brief period from 24.7.1985 to 28.2.1986. Such an engagement will not confer any right upon the petitioner. He was not recruited to any post in the Railways. He worked for a very brief period only as a substitute on leave vacancies. Therefore, the Tribunal was right in holding the claim of the petitioner to be not in accordance with law.

6. Moreover, the petitioner approached the Tribunal after more than a quarter of a century. Therefore, the rejection of the claim of the petitioner cannot be taken exception to. Hence, the writ petition is dismissed. No costs.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The General Manager,
Southern Railway,
Park Town, Chennai-600 003

2.The Divisional Railway Manager,
Madurai Division, Southern Railway,
Madurai-16

3.The Divisional Personnel Officer,
Madurai Division, Southern Railway,
Madurai-16

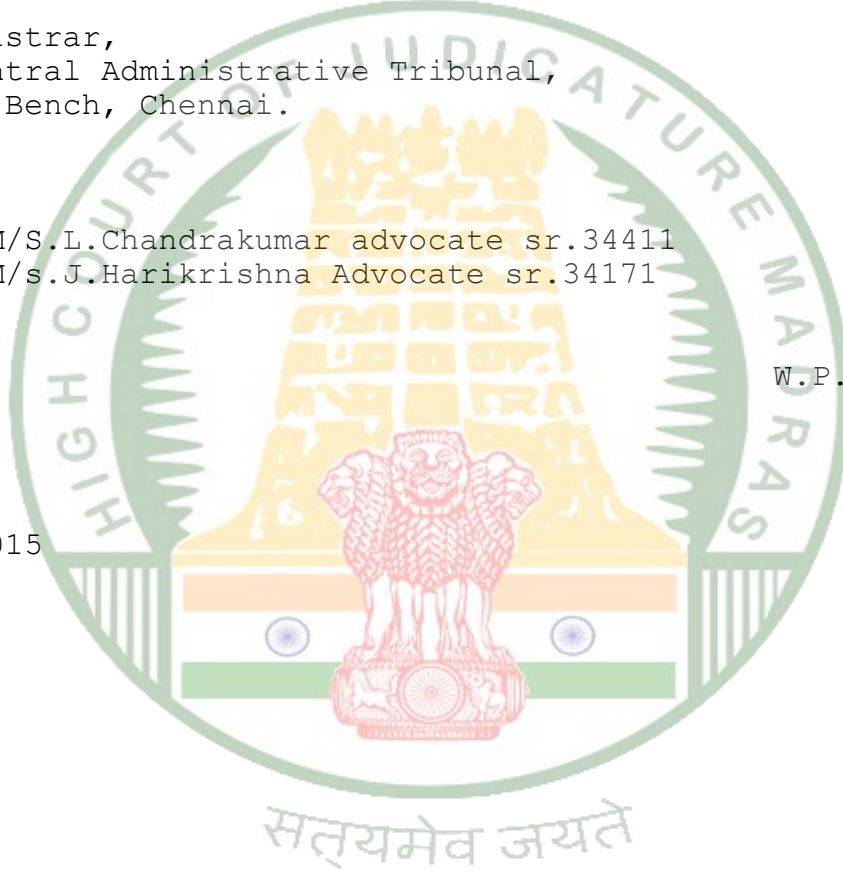
4.The Registrar,
The Central Administrative Tribunal,
Madras Bench, Chennai.

+1 cc to M/S.L.Chandrakumar advocate sr.34411

+1 cc to M/s.J.Harikrishna Advocate sr.34171

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