

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5409 of 2014

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Ajit Kumar Pandey, son of Late Raghunath Pandey, resident of village- Mahuawa,
P.S. Chiraiyan, District- East Champaran At Motihari.

.... Petitioner

Versus

1. The Union of India through the General Manager, Eastern Central Railway, Hajipur.
2. The General Manager, Eastern Central Railway, Hajipur.
3. The Divisional Rail Manager, East Central Railway, Samastipur.
4. The Divisional Rail Manager (Personal), East Central Railway, Samastipur.
5. The Senior D.P.O. East Central Railway, Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Advocate

For the Respondents : Mr. Ashok Kumar Keshari, Advocate

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 03-03-2016

The challenge in the present writ petition is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna whereby an Original Application bearing O.A.No.849 of 2013 filed by the petitioner, claiming regularization for the reason that he has worked for 1800 days, was not entertained.

The Tribunal found that the petitioner worked till July, 1992. Therefore, no case is made out for engagement of the petitioner. It is also hopelessly barred by law of limitation.

Learned counsel for the petitioner pointed out that he had earlier filed OA. No.771 of 2001 and O.A No.48 of 2005 which were

decided on 04.04.2003 and 30.09.2005 respectively, wherein direction was to consider the claim of the petitioner for regularization.

The fact remains that after the aforesaid directions, the Supreme Court in the case of *Secretary, State of Karnataka and others Versus Umadevi & others*, reported in (2006) 4 SCC 1 has not approved the policies of regularization of services of daily wages and other contractual employees. Still further, an employee can be regularized if he continues to be in service. The petitioner is out of service since July, 1992. Therefore, there cannot be any direction for regularization of the petitioner who is not working for more than 21 years before he approached the Tribunal vide O.A.s in question.

In view of the above, we do not find any error in the order of the learned Tribunal which may warrant interference in the present writ petition. The writ application thus stands dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

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