

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 4635 of 2014

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Jai Ram Sharma S/O Late Dukh Haran Sharma Resident Of C/O Shri Binod Kumar, Digha Ghat, Polson Railway Hatt, P.O. Digha Ghat, P.S. Digha, District Patna.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry Of Railway, Rail Bhawan, New Delhi.
2. The General Manager, East Central Railway at Hajipur, District Vaishali.
3. The Divisional Railway Manager (Personnel), East Central Railway, Sonapur Division, Sonapur, District Vaishali.
4. The Senior Divisional Commercial Manager, East Central Railway, Sonapur Division, Sonapur, District Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr Sucheta Yadav, Advocate

For the Respondent/s : Mr Sunil Kumar Ravi,

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CORAM: HON'BLE MR JUSTICE HEMANT GUPTA
&
HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE HEMANT GUPTA)

Date: 04-03-2016

Heard learned counsel for the petitioner and the Union
of India.

2 The present writ petition is directed against an order
passed by the Central Administrative Tribunal, Patna Bench, Patna
(for brevity, *the Tribunal*) in OA No 32 of 2009 on 25th of September,
2013 whereby, claim of regularization in the pay scale of Rs 4,500/-
to 6,500/-, was declined.

3 As per the petitioner, he was appointed as casual labourer (carpenter) on 19.06.1977. His services were terminated on 16.02.1979 but in pursuance to the award of the Labour Court, he was reinstated vide order dated 29th of March, 2001 in temporary status with effect from 15.06.1979. He had been given back wages with effect from 29th of March, 2001.

4 The grievance of the petitioner is that his juniors have been regularized whereas he has not been regularized. The learned Tribunal has considered the said argument stating that the petitioner filed OA seeking regularization in October, 2009 that is after his retirement on 31st of August, 2009. Therefore, the petitioner cannot be considered for regularization in accordance with the judgment of the Hon'ble Supreme Court in the case of *Secretary State of Karnataka –Versus- Uma Devi & Others* since reported in (2006) 4 *Supreme Court Cases 1*.

5 We do not find any error in the order passed by the learned Tribunal. The petitioner has been reinstated in terms of the award of the Labour Court. The regularization will depend upon the number of vacancies available. Since the petitioner filed OA for regularization after his retirement on 31st of August, 2009, therefore, the learned Tribunal was right in law in dismissing the application filed by the petitioner more so when the date of regularization of the

alleged juniors has not come on record.

6 We do not find any error in the order of the Tribunal which may warrant interference in the writ jurisdiction. This writ application is, thus, dismissed.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

M.E.H./-

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