

(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.1121 of 1999

New Delhi, this 11th day of August, 1999

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

1. Gautam Pandit
S/o Mahesh Pandit
R/o Katihar Bihar
presently residing at
Flat No.34, behind Sunder Public School
Madanpur Khader
New Delhi-44.
2. Shivaji Prasad
S/o Laxmi Prasad
R/o Gangtala, Saharsa, Bihar
presently residing at
H.No.225-A
Madanpur Khader
New Delhi-44.
3. Phuleswar Paswan
S/o Sri Tuna Paswan
R/o Saharsa, Bihar
presently residing at
H.No.225-A
Madanpur Khader
New Delhi-44
4. Shankar Sah
S/o Surya Narain Sah
R/o Railway Colony Saharsa
presently residing at
H.No.17, Sunder Public School
Sarita Vihar
New Delhi-44.
5. Bimal Kumar Singh
S/o Maheswar Prasad Singh
R/o Banmankhi, Purnea, Bihar
presently residing at
H.No.1D Sunder Public School
Sarita Vihar
New Delhi-44
6. Lal kishor Sah
S/o Sri Madan Sah
R/o Railway Colony, H.No.E/109(B)
Saharsa, presently residing at
H.No.24, Behind Sunder Public School
Madanpur Khader
New Delhi-44.

Contd.. 2

7. Pradeep kr. Nandi
 S/o Amulya Chandra Nandi (Retd. Driver)
 Saharsa Railway Colony, Saharsa
 Bihar, presently residing at H.No.A-127
 Madanpur Khader
 New Delhi-44.

8. Jai Ram Paswan
 S/o Sri Khakhroo Paswan (Retd. Hamal
 in Railway) R/o Lohia Nagar
 Ward No.1, Saharsa, presently
 residing at H.No.Flat No.17
 Behind Sunder Public School
 Sarita Vihar
 New Delhi-44.

9. Om Prakash Thakur, Aarohi
 S/o Gopal Thakur
 R/o Rajput Tola, Banmankhi,
 Purnea, Bihar
 presently residing at Flat No.17,
 Behind Sunder Public School
 Sarita Vihar
 New Delhi-44. ...Applicants

By Advocate: Shri D.K. Thakur

versus

1. Union of India, through
 Secretary
 Ministry of Railways
 Rail Bhavan
 New Delhi.

2. General Manager
 North East Railway
 Gorakhpur, U.P.

3. Divisional Railway Manager
 North East Railway
 Samastipur, Bihar. ... Respondents

By Advocate: Shri B.S. Jain

O R D E R (ORAL)

S.P. Biswas, M(A)

The applicants who had earlier worked as
 Volunteer Ticket Collectors are before us seeking
 relief in terms of issuance of direction to the
 respondents to absorb the applicants in Railway
 services after completion of three years' service as
 Volunteer Ticket Collectors.

2. These are the group of employees who had worked under the Respondent-Railways pursuant to a Scheme introduced in 1964, 1968 and 1979 to combat ticketless travelling over the Indian Railways. The most important ground on the basis of which applicants would advance their case is that the SLPs filed by the Respondent-Railways in the case of R.C.Jha & Ors. as well as S.M.Mukherjee & Ors. Vs. UOI were dismissed by the Hon'ble Supreme Court by the orders dated 5.4.87. Applicants would argue that they are eligible for all the benefits offered to those in S.M.Mukherjee's case and the same should have been offered to them following the principles laid down by the apex court in the case of Amrit Lal Berry Vs. Collector of Central Excise 1975(4) SC 714.

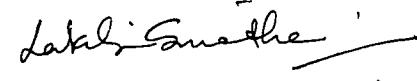
3. This Tribunal have had an opportunity of bringing out and examining ~~all~~ the important issues touching upon engagement/disengagement of Mobile Booking Clerks (MBCs, for short) in the case of P.K.Srivastava Vs. UOI as reported in ATR 1993(1) CAT 185. Those issues are available in paras 8(A) and 8(C) as decided subsequently on 9.7.98 in OA 3033/91. We find that pursuant to P.K.Srivastava's case the Railway Board issued order on 6.2.90 by which the earlier cut-off date of 14.8.81 was substituted by 17.11.86. Accordingly, the MBCs who were engaged as such prior to 17.11.86 could be considered for absorption in regular employment against regular vacancies subject to other conditions stipulated in the respondents' letter dated 21.4.82. The scheme was subsequently extended upto September, 1992. We also find that the DRM/Delhi, Northern Railway issued notification on 12.8.92 according to which all MBCs who were engaged prior to 17.11.86 but discharged ^{up} consequent on discontinuance of the scheme as a result of the Railway Board's letter of 17.11.86 or any other instructions

to the same effect were informed that their engagement as MBCs would be kept open upto 30.9.92. Based on these details, applicants should have approached this Tribunal latest by September, 1993. It is not in doubt that the applicants did not agitate their grievances in any legal forum upto 24.12.98. Applicants' plea that they have made several representations does not lend any support to them in the background of the law laid down by the apex court in the case of S.S.Rathore Vs. State of M.P. 1989(3) JT 530.

4. The applicants have also cited the case of UOI Vs. Belal Ahmed & Ors. decided by the apex court on 27.7.95. We are afraid that the case cited by the applicants herein renders no help since the applicants in Belal Ahmed's case were only Group D staff engaged by the Railways to work as helpers to the voluntary ticket collectors, whereas the applicants herein, as alleged by them, had worked as Group C in the capacity of voluntary ticket collectors. Apart from being devoid of merits, applicants have not even cared to come out with any application for condonation of delay.

5. The application is hopelessly barred by limitation and is devoid of merits. We dismiss the same at the admission stage. No costs.


(S.P. Biswas)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

/gtv/