

Central Administrative Tribunal
Principal Bench

O.A. No. 183 of 1998

(13)

New Delhi, dated this the 29th January, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)

S/Shri

1. Joginder Singh
S/o Shri Banwari Lal
2. Rajesh Kumar
S/o Shri S.S. Mishra
3. Sakur Khan
S/o Shri Babib Khan
4. Pappu Khan
S/o Shri Gaffar Khan
5. Sanjay Khan
S/o Shri Rasul Khan
6. Islam Khan
S/o Shri Yakub Khan
7. Baban Khan
S/o Shri Sadula Khan
8. Khusi Ram,
S/o Shri Tula Ram
9. Lal Singh
S/o Shri Gopal Singh
10. Sher Singh
S/o Shri Sabla Ram
11. Bhagat Singh
S/o Shri Girdhari Lal
12. Gur Dayal
S/o Shri Ram Lal
13. Kishri Singh
S/o Shri Rawa Singh
14. Subhash Chand
S/o Shri Jagdish
15. Sanjany Kumar
S/o Shri Hukum Chand
16. Parmanand
S/o Shri Ram Chandera
17. Sri Kant Mandal alias Sri Dhar Mandal
S/o Shri Chandra Kant Mandal & ... Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
the Secretary,
Ministry of Railways,
Rail Bhawan, New Delhi.
2. The General Manager,
Northern Railway, Baroda House,
New Delhi.
3. The Divl. Railway Manager,
Northern Railway, Bikaner Division,
Bikaner (Raj.)
4. The Secretary,
Parcel Porters Society,
C/o the Chief Parcel Supdt.,
Northern Railway,
Rewari, Haryana. ... Respondents

(By Advocate: Shri P.S. Mahendru)

ORDER (Oral)

By Hon'ble Mr. S.R. Adige, Vice Chairman (A)

Applicants seek the benefit of Hon'ble Supreme Court's directions contained in their judgment dated 15.4.91 in WP-277/86 and judgment dated 9/5/95 in WP-507/92 and seek regularisation as Northern Railway employees.

2. I have heard applicants' counsel Shri Yogesh Sharma and respondents' counsel Shri Mahendru.

3. Shri Mahendru has raised two objections to the prayer namely that (i) applicants are not Govt. employees and hence Tribunal has no jurisdiction to entertain this O.A. and (ii) applicants are working in Bikaner Division which lies outside the territorial jurisdiction of CAT.

P.B.

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4. In so far as the question about lack of jurisdiction of the Tribunal on the grounds of applicants not being Govt. employees is concerned, the same objection was raised and discussed in O.A. No. 447/98 Mukesh and Others Vs. UOI & ors. and by order dated 26.11.98, that objection was rejected. Nothing has been shown to me to establish that the aforesaid order has been stayed, modified or set aside. Applicants in the present O.A. are similarly placed and applying the ratio of that order to the present case also the aforesaid objection is rejected.

5. In so far as the question of lack of territorial jurisdiction is concerned, Shri Sharma has invited my attention to the CAT, PB (Division Bench) order dated 24.9.98 in O.A. No. 2314/97 Kamlesh Kumar & Ors. Vs. UOI & Ors. and other connected cases, in which those applicants, who were similarly placed and were found to be working in Allahabad Division and other Divisions of Northern Railway, were granted appropriate relief. In this connection Shri Sharma states that it is only the Secretary, Railway Board and General Manager, Northern Railway both of whom are located in New Delhi who are competent to consider the grant of relief to applicants and under the circumstances, this O.A. is well within the territorial jurisdiction of the CAT, P.B. Nothing has been shown to me to controvert the aforesaid averments and under the circumstances this

assertion that the Principal Bench has no territorial jurisdiction to decide in this case is also rejected.

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6. This O.A. is disposed of with a direction to Respondents to consider applicants' claim in the light of judicial pronouncements referred to in Para 1 above to the extent that they are applicable to the facts and circumstances of the present case and pass detailed and speaking order in accordance with law within three months from the date of receipt of a copy of this order under intimation to applicants. No costs.

Adige,
(S. R. Adige)
Vice Chairman (A)

/GK/