

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 28/1998

New Delhi this the 5<sup>th</sup> Day of February 1999

Hon'ble Shri R.K. Ahooja, Member (A)

1. Duli Chand, S/o Shri Ganesha Ram
2. Ram Chander S/o Shri Choga Ram
3. Rakesh Kumar S/o Shri Bhanwar Lal
4. Kishori Lal S/o Shri Norang Lal
5. Vinod Kumar S/o Shri Santu Ram
6. Chetan Ram S/o Shri Chothe Ram
7. Ratan Lal S/o Shri Kishan Lal
8. Hira Lal S/o Shri Surja Ram
9. Rup Chand Saini S/o Shri Remal Sanini
10. Ram Dulara S/o Raj Nath
11. Kalu Ram S/o Shri Ram Dulare
12. Mukesh Kumar
13. Bharat Ram
14. Pyre Lal
15. Hosila Parshad
16. Parmod Kumar

Applicants

All are working as Parcel Porter in Northern Railway, in Bikaner Division, and applicants addresses from Sl. No. 1 to 8 is Jhugi Jhoopadi, Near Railway Station, Churna (Raj.) from Sl. No. 9 to 11, address is Surat Nagar Colony, Near Daultabad Rly. Fatak, Gurgaon (Haryana) and from Sl. No. 12 to 16, address is Near Railway Station, Mandi Dabbali (Har)

(By Advocate: Shri <sup>Sharma</sup> ~~A. K. Trivedi~~)

-versus-

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

Respondents

(By Advocate: Shri P.S. Mahendru)

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O R D E R

The applicants who claim that they have worked as Parcel Porters at various railway stations in Bikaner Division of Northern Railway seek the benefit of Hon'ble Supreme Court order dated 15.4.1991 and W.P. No. 277/88 and Judgement dated 5.5.1995 in W.P. 507/92 in order to obtain regularisation as Railway employees.

2. Their claim is contested by the respondents on the ground that the O.A. is not maintainable in terms of Supreme Court Judgement dated 3.4.1997 in Civil Appeal No. 1358/86 Bhave Nath Saha & Others Vs. Union of India & Ors. wherein it was held that Contractor's labour cannot be considered as employed by the State. It has also been contended that the applicants being residents of Bikaner, they do not come under the jurisdiction of the Principal Bench. The plea of limitation has also been raised by the respondents.


3. I have heard the counsel. As rightly pointed out by the learned counsel for the applicants, a Coordinate Bench of this Tribunal in O.A. No. 447/98 has examined the case of the applicants similarly situated in the light of similar objection regarding jurisdiction and limitation by the respondents. I have gone through the order of the Co-ordinate Bench dated 26.11.1998. Relying on Supreme Court's judgement dated 29.4.1998 in Union of India Vs. S. Mukherjee & Ors reported in 1998(2) SC SLJ 17, the jurisdiction was accepted and the O.A. has been allowed. Since I find that the facts and circumstances in the present

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O.A. are similar, I, respectfully agreeing with the views of the Co-ordinate Bench, also allow the present O.A. and dispose it of with the following directions.

4. The respondents will consider the applicants' claim in the light of the judgements, referred to by them in para 1 above to the extent that the same are applicable to the facts and circumstances of the present case, and pass a detailed, speaking and reasoned order thereon in accordance with law within three months from the date of receipt of a copy of this order, under intimation to applicants.

  
(R.K. Ahooja)  
Member(A)

\*Mittal\*