

Central Administrative Tribunal
Principal Bench

O.A. No. 663 of 1998

New Delhi, dated this the 27th November, 1998

(6)

S/Shri

1. Sultan Khan, S/o Shri Bhawru Khan
2. Bhamwar Dan S/o Shri Kandan
3. Gopaldan S/o Shri Kandan
4. Bhikam Singh S/o Shri Balwant Singh
5. Sita Ram S/o Shri Tiloaka Ram
6. Nagar Mal S/o Shri Sukharam
7. Madandan S/o Shri Bhamwar Dan
8. Devi Singh S/o Shri Ishar Singh
9. Azam Ali Khan S/o Shri Mohan Khan
10. Nihal Singh S/o Shri Ganpat
11. Mahinder S/o Shri Gajraj Applicants

(By Advocate: Shri Yogesh Sharma)

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 Divl. Railway Manager,
Northern Railway, Bikaner Div.,
Bikaner (Rajasthan).
4. The Secretary,
Railway Parcel Porters Society,
Rupam Hotel, Near Railway Station,
Bikaner (Rajasthan) ... Respondents

O R D E R (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants seek the benefits extended by
the Hon'ble Supreme Court order dated WP-277/88
dated 15.4.91 and the judgment dated 9.5.95 in
WP-507/92 together with consequential benefits.

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2. None appeared for respondents even on the second call. I have heard applicants' counsel Shri Yogesh Sharma and perused the reply filed by Respondents 1 to 3.

(7)

3. The main objection raised by the respondents in their reply is that the O.A. is not maintainable before the Tribunal and the remedy in the matter of contract labour is provided in Section 10 of the Contract Labour (Regulation & Abolition) Act, 1970.

4. The question of maintainability of O.As filed by similarly situated applicants was considered in O.A. No. 447/98 Mukesh & Others Vs. UOI and the stand of the respondents ~~is~~ that the O.A. was not maintainable before the Tribunal was rejected.

5. Applying the ratio of the aforesaid judgment to the present case, I dispose of this O.A. with a direction to respondents to examine the claims of the applicants in the light of the rules and instructions as well as judicial pronouncements as referred to in Para 1 above, and dispose of the applicants' representation dated 11.11.97 within three months from the date of receipt of a copy of this order under intimation to applicants. No costs..

Arfahq
(S. R. ADIGE)

Vice Chairman (A)

/GK/