

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

MA.450/95 & OA.No.347/95

Dated this the 20th of February, 1995.

Shri N.V. Krishnan, Hon. Vice Chairman(A)

Dr. A. Vedavalli, Hon. Member(J)

1. Vishvesh Kumar S/o Sh.SP Pippal
2. Subhas Verma S/o Sh. P.S. Verma
3. Manoj Rawat S/o Sh.Jebh Raj Singh
4. Mohindra Singh S/o Sh.Ishwari Prasad
5. Ramesh Kumar S/o Sh.Radhey Shyam
6. Mukesh Kumar S/o Sh.Raghbir Singh
7. Mohd. Safiq S/o Sh. Rahmat Ali
8. Arun Kumar Sahu S/o Sh Manmath Nath Sahu
9. Prem Narayan Singh S/o Sh Ram Narayan Singh
10. Rakesh Kumar Singh S/o Sh Nathu Lal
11. Vinod Kumar S/o Sh.Pyare Ram.

R/o Bhim Singh Ka Makan,
Raj Nagar - II,
Palam Colony,
New Delhi.

...Applicants

(By Advocate: Shri V.P.Sharma by Shri Yogesh Sharma)
versus

1. Union of India through
The General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Secretary,
Railway Board,
Rail Bhawan,
New Delhi.

...Respondents

By Advocate: None

ORDER (ORAL)

By Shri N.V. Krishnan.

The applicants have filed MA.450/95 to file a joint application.

They have a common grievance and hence that MA is allowed.

2. We have heard the learned counsel.
3. The 11 applicants before us are stated to be the wards of Railway Employees, who have been loyal to the Railways during the period of 1974 Railway strike in as much as they neither participated in the strike nor took leave during that period but were present

on duty. It is stated that in respect of such employees, the Railways notified a scheme on 4.6.74 (Annexure A-4). That was a letter issued by the Divisional Operating Superintendent to various authorities. This communicated the decision of the Railways that they would consider the loyal employees for four kinds of rewards mentioned therein, in the order of priority, depending upon the nature of duty performed by them.

4. The four kinds of rewards are as follows:-

- (a) Employment of sons/daughters/dependents.
- (b) Extension of service/re-employment in case of those due to retire within a year after 8.5.74.
- (c) Grant of Advance increment.
- (d) Hard duty allowance as prescribed.

5. An employee would get only one of the 4 rewards. It was directed that all TIs should arrange to collect data in this regard from the stations in their jurisdiction and forward the same to the Divisional Operating Superintendent. Similar action was also directed to be taken by the Station Masters of important stations. It was further directed that applications of staff who opt for employment of their sons/daughters/dependents, should also be forwarded duly completed along with the proformas attached.

6. In the OA, the applicants who are the wards of the Railway ^{✓ have} employees stated that the concerned Railway employees ie. their parents, did not take any action in this regard during their life ^{✓ at that time}. The applicants are stated to be minors. They attained the age of majority sometime in 1993-94. Thereafter they sent a joint representation to the General Manager, Northern Railway (Annexure A-2). This representation appears to have been sent in August 1994. No reply has been received to this representation. The applicants have drawn attention in this representation to an order passed by the Allahabad Bench of this Tribunal in OA.610/94. The extract of the order has also been reproduced in the representation. ^{✓ They} requested the General Manager to give them necessary benefits flowing out of the above scheme. A copy of the decision of the Allahabad Bench referred to above, has also been annexed as Annexure A-1.

7. The applicants have prayed for a declaration that they are entitled for consideration of their representation for suitable employment in the Railways in pursuance of the Annexure A-4 scheme dated 4.6.74 referred to above, and that, the action of the Railways in not granting any reward to their parents who are Railway employees is violative of Articles 14,16,21 and 39(d) of the Constitution of India. They have ~~also~~ further prayed for a direction to the respondents to consider the case of the applicants in the same manner, as they have been directed to do by the Allahabad Bench of the Tribunal in the aforesaid decision.

8. The learned counsel for the applicant only prays that this OA may be disposed of, in the same manner as the Allahabad Bench of the Tribunal did ie. a direction be issued to the Railways to consider the representation. He further ~~volunteered~~ that it may even be stipulated that no further action would accrue to the applicants based on the reply that the Railways ~~might~~ give to the applicants.

8. Obviously, the employees ie. the parents of the applicants, did not ~~also~~ take any action in this regard when the scheme was notified. The learned counsel also states that those employees neither sought nor obtained the benefits mentioned in items (b), (c) and (d) of the scheme. Therefore, they have not been granted so far, any benefits at all under the scheme. The only benefit now sought by the wards of the employees is for employment in terms of Clause (a) of the scheme.

9. We are of the view that when the scheme was notified as early as in 1974, the concerned employees ought to have notified the Railways that they were interested only in seeking reward mentioned in item (a) of the scheme, namely- employment of their sons/daughters/dependents. It would also appear from the scheme that, which kind of reward should be given would also depend upon the nature of the duty performed by them. Therefore, the employees ought to have either furnished the information to

the TIs or the Station Masters who were directed to collect the information or they should have sent the relevant information along with the option to the concerned authority long back. Not having done so, we are of the view that the present OA filed by the wards of the employees is barred by limitation.

** Law*

10. We also considered whether, we should not, like the Allahabad Bench of the Tribunal, pass an order directing the respondents to consider the Annexure A-2 representation. We are of the view that a direction of that nature may be given if a right to have such a direction issued subsists. In the view that we have taken of the matter viz. that the OA is barred by limitation., we are of the view that it would not be proper to issue a direction as was done by the Allahabad Bench of the Tribunal.

11. In the circumstances, without going into the merit of the case, we find that this application is barred by time and, therefore, it is dismissed at the admission stage. We further make it clear that this will not either stand in the way of any of the applicants or all of them from pursuing this matter again with the concerned Railway authorities or in the way of the Railways from ^{granting} ~~preventing~~ any relief to the applicant, if they so choose.

12. The OA is disposed of accordingly. No costs.

A. Vedavalli

(DR. A. VEDAVALLI)
MEMBER(J)

/kam/

N.V. Krishnan
22/1/85

(N.V. KRISHNAN)
VICE CHAIRMAN(A)