

Central Administrative Tribunal  
Principal Bench, New Delhi

O.A.No.682/95

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New Delhi this the 24th day of April, 1995

Hon'ble Shri J.P. Sharma, Member (J)  
Hon'ble Shri B.K. Singh, Member (A)

1. Lyak Singh  
S/o Shri Pyara Lal
2. Harish Kumar Gautam  
S/o Shri Bhagwan Swarup
3. Pradeep Kumar Sharma,  
S/o R.C. Dass
4. Munish Sharma  
S/o Shri Ganga Prasad Sharma
5. Yogender Pal Singh  
S/o Shri Harpal Singh
6. Prem Pal  
S/o Ramji Lal
7. Kalim Hadar  
S/o Tasir Hussain
8. Sanjay Kumar Verma  
S/o Ram Snaih Nishad
9. Ved Prakash  
S/o Shri Jeeva Ram
10. Dinesh Kumar  
S/o Shri Ram Het
11. Surender Pal Singh  
S/o Shri Dori Lal
12. Ajay Babu  
S/o Shri Thakur Dass
13. Manoj Kumar Adholia  
S/o Shri ABI Saxena
14. Shyam Lal Sharma  
S/o Shri Nand Lal
15. Utpal Kulshreshthya  
S/o Man Mohan Kutshreshthya
16. Upendra Sharma  
S/o Shri Om Prakash Sharma
17. Hari Singh  
S/o Shri Mahandra Singh
18. M. Ashok Kumar  
S/o Shri Rajeshwari Prasad

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19. Radhesh Kumar Srivastava  
S/o Shri Raja Ram
  20. Sunil Kumar Dubey  
S/o Shri Raj Pati Dubey
  21. Manoj Kumar  
S/o Shri R.L. Pandey
  22. Satandra Kumar  
S/o Shri Raja Ram Sharma
  23. Mohd. Habili  
S/o Shri Moinuddin
  24. Ramwah Chandra  
Giridhari Lal
  25. Pratap Singh  
S/o Shri Mihi Lal
  26. Shri Prem Shankar  
S/o Shri Bhagalu Ram  
  
R/o Shri Layak Singh  
RZ/693, Raj Nagar I,  
Palam Colony, New Delhi ....Applicant

(by Advocate : **Shri M.K. Gaur, Proxy Counsel for**  
**Shri V.P. Sharma**)  
Versus

Union of India, through

1. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Secretary,  
Railway Board,  
Railway Bhavan, New Delhi.

Judgement (Oral)

(Hon'ble Shri J.P. Sharma, Member (J) )

The applicants 26 number have alleged themselves to be the ward of the railway employee. It is alleged that who did not participate in the Railway strike of the year 1974 which was (w.e.f. 8.5.1974 till 28.5.74) in order to give incentive to those who did not participate in the strike and remained loyal during the strike period, the Railway Board has issued a Circular No.6/50/21/OPYG/ dt 4.6.94

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whereby it was laid down that who have rendered outstanding service during the recent strike to be considered for rewards in the following manner :-

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- a) Employment of Sons/daughter/dependents;
- b) Extension of service/re-employment in case of those who are due to retire within a year after 8.5.74;
- c) Grant of advance increment;
- d) Hard duty allowance as prescribed.

The employee will be entitled to one of the 4 benefits.

The contention of the learned counsel for the applicants is that they are the wards of those employees who were loyal in 1974 during the strike period and that their predecessors in interest employees did not avail of the benefit of this Circular. We are afraid that in the year 1995 such a benefit those wards could claim, because right has vested solely to the loyal employees who could claim any of the benefits at the relevant point of time in 1975 out of the 4 benefits, any one, could have been opted by the said loyal railway employees. It shall be misuse of the process of the Court to admit this

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application and issue notice to the respondents as the applicants have no right whatsoever and that if any, cannot be claimed even by their predecessor's interests after 20 years.

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The learned counsel for the applicant Shri M.K. Gaur has at the time when this application was taken up, stated that the similar applications have already been dismissed by this Tribunal and it is only because the applicants want an order to be passed, so this application be considered.

We have considered this application on the basis of the said Circular and also on the point whether any issue for decision needs consideration. A similar nature OA was filed before the CAT Allahabad Bench in O.A.No.614 of 1994 which was disposed of by the CAT Allahabad Bench by the order dated 21.4.94 with the direction that the railway may consider the request of SC/ST Ward of Loyal Railway employees. We do not find that this is a case where even a consideration is required by issuing a notice to the respondents.

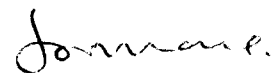
The Tribunal has been a creation of a statute and came into force from 1.11.85 and the jurisdiction of the tribunal extends only to a matter where the grievance has arisen three years earlier to the enforcement of the Act, the Tribunal has no jurisdiction to grant any such relief <sup>claimed</sup> whatsoever. The applicants claimed that

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the cause of action has occurred to their predecessor in interest, loyal employees in the year 1974, thus the Tribunal has no jurisdiction in this matter. It was a point to be taken up at that time, more particularly by their predecessor in interest employee, if they <sup>were</sup> ~~did~~ not given any option out of the 4 benefits laid down in that Circular, <sup>should have sought</sup> ~~to seek~~ judicial review, for seeking redressal of their grievance. The application has, therefore, no force and is dismissed in limine.

  
(D.K. Singh)

Member (A)



(J.P. Sharma)

Member (J)