

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No. 684/94

2

New Delhi this the 27th Day of April, 1995.

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

Hon'ble Sh. B.K. Singh, Member (A)

1. Nimal Kumar S/o Sh. Kedari Lal
2. Rajveer Singh S/o Sh. Narinder Singh
3. Mohd. Yasin S/o Sh. Yusuf
4. Arvind Kumar S/o Sh. Atar Singh
5. Ram Kumar S/o Sh. Dhiraj Singh
6. Shakeel Ahmad S/o Sh. Abdul Aziz
7. Shamshad Ahmad S/o Sh. Mohd. Hanif
8. Ved Parkash S/o Sh. O.P. Saraswat
9. Virender Singh S/o Sh. Bansi Lal
10. Mahesh Chander S/o Sh. Khichu Singh
11. Pradeep Kumar S/o Sh. Om Parkash

R/o RZ-210/A,
Raj Nagar-Ist
Palam Colony, New Delhi.

...Applicants

(By Advocate Sh.M.K. Gaur, Proxy Counsel
for Shri V.P. Sharma)

Versus

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

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

...Respondents

ORDER (Oral)

(By Hon'ble Mr. J.P. Sharma, Member (J))

There was a loco strike in the Railways in the Year 1994. Certain employees of the Railway did not participate in that strike. The Railway Board issued a Circular to rehabilitate those loyal employees who did not participate in the 1974 strike. That Circular No. G.50/21/PTG dated 4.6.1974 provided that those who have been loyal during the strike period can opt for any one of the benefits out of the following four benefits :

Je

2

(i) Employment of sons/daughters/dependents. (3)

(ii) Extension of service/re-employment in case of those due to retire within a year after 8.5.74.

(iii) Grant of advance of increment.

(iv) Hard duty allowance as prescribed.

The applicant in this application alleged themselves to be ward of such employees and have prayed for a direction to be issued to the respondents that the applicants are entitled for consideration of that benefit and that further order be passed as in O.A.No.610/94 passed by the Allahabad Bench by the Order dated 21.4.94 (Annexure A-1).

We heard Shri M.K. Gaur at length and perused the record. In the case of Shri R.C. Gupta and Others Vs Union of India in O.A. No.614/94 similar petition was filed. That after the decision majority of petitioners of that Original Application represented to the respondents but the same has not been considered. On that basis the petition was disposed of. The representation dated 31.12.1992 was submitted by All India SC/ST Railway Employees Association and the same was considered and disposed of by a reasoned and speaking order.

↓

3

(A)

The Central Administrative Tribunal is the creation of a statute and came into force from 01.11.1985. The applicants even if it is assumed for the sake of arguments have any right whatsoever could have assailed the particular grievance before the proper forum and not wait for all these 20 years and more to file this application. This application is totally misconceived, barred by delay and laches even on the own showing of the applicant.

The applicants also have no right whatsoever. As a welfare measure the loyal employees who did not participate in 1974 general railway strike, incurring animosity of their fellow colleagues, were given certain subsidy by giving one of the four options, out of which one is engagement of a ward, that plea was given at that relevant point of time. It is not that a person scores of years after can invoke a Circular of the Railway Board and seek a judicial review by interference when the respondents did not grant the wards of predecessors interest of any of these applicants, benefit of the Circular aforesaid.

As regards the direction issued by the Allahabad Bench this is only for consideration of certain representation and that does not lay down a law. In view of this, the present application is, therefore, not maintainable.

↓

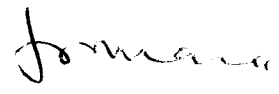
4

5

The applicants have no right whatsoever. If any right was available the remedy is lost and further the Tribunal has no jurisdiction to entertain the same. The application is dismissed. No costs.


(B.K. Singh)

Member (A)


(J.P. Sharma)

Member (J)

SSS