

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1505/97
MA-1529/97

New Delhi this the 16th day of July, 1997.

(X)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Sh. S.P. Biswas, Member(A)

1. National Federation of Railway
Porters, Vendors and Bearers (Regd.)
under Trade Unions Act, 1926 at
Delhi Registration No.1118 of 1966
having its Registered Office at
7, Jantar Mantar Road,
New Delhi,
through its Joint General Secretary,
Shri Ragvendra Gomashta.
2. Sh. Gopal Das,
S/o Sh. Shiv Narain,
at present working as Commission,
Vendor at Railway State Mathura Junction,
Central Railway,
Mathura(UP).
3. Sh. Alladin working as Commission
Vendor at Railway Station Agra Cantt.,
Central Railway,
Agra(UP). Applicants

(through Sh. D.K. Garg, advocate)

versus

1. Union of India
through the Secretary,
Ministry of Railway,
Rail Bhawan,
New Delhi.
2. Chairman,
Railway Board,
Rail Bhawan,
New Delhi.
3. The Divl. Railway Manager,
(Commercial)
Central Railway,
Jhansi(UP).
4. The Sr. Divl. Commercial
Superintendent,
Central Railway,
Jhansi(UP).
5. The Chief Catering Inspector,
Central Railway,
Agra Cantt.,
Agra(UP).

6. The Chief Catering Inspector,
Central Railway,
Mathura Junction,
Mathura.

..... Respondents



(through Sh. R.P. Aggarwal, advocate)

ORDER(ORAL)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)

This matter is coming up for possible final hearing and we take it on board and decide to dispose of the same today.

The learned counsel for the respondents states that the respondents have no intention to remove the applicants and they only wanted to regulate the business of selling various articles on administrative grounds. It is also stated that in appropriate time the applicants will be absorbed as per the Scheme applicable to railway employees of this nature.

The learned counsel for the applicants brought to our notice various decisions of the Hon'ble Supreme Court such as M.M.R. Khan vs. U.O.I.(1990(Suppl) SCC 191) T.I. Madhavan vs. U.O.I. & Ors. (1988 SCC L&S 872) and according to these decisions they are entitled to absorption forthwith. In view of the statement that the respondents are considering their absorption, no further order is required to be passed in this regard.

The apprehensions of the applicants are that the respondents might take away the three items which they are now selling on the platform and give them to different contractors. The respondents' requirement is only to give the work of procurement of these items to

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the contractors on rotation basis but that does not mean that the applicants would be deprived of their rights. What the respondents needs only an administrative control regarding the procurement of these items and not to create any monopoly to the applicants which according to them is creating certain administrative difficulties. In view of the fact that the additional hands are required due to the increase in the number of trains as well as in the number of passengers, the respondents cannot be restrained from giving this part of procurement of these items to the contractors but it was stated that they will not deprive the applicants from earning their livelihood in the manner as they have been doing for the last 25 years. The railway authorities may enter into any agreement with the contractors/persons without affecting the right of the applicants to sell these items and subsequent regularisation in accordance with law. The question of regularisation will be taken up by the respondents themselves in the phased manner and it is expected that they shall do it with the utmost earnest and in terms of law.

With the aforesaid observations, this O.A. is disposed of. No costs.


(S.P. Biswas)

Member(A)

/vv/


(Dr. Jose P. Verghese)

Vice-Chairman(J)