

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No.891 of 1994

New Delhi: dated this the 19th day of May, 1994.

HON'BLE M.R.S.R. ADIGE MEMBER(A).

HON'BLE DR.A.VEDAVALLI MEMBER(J)

1. All India Loco Running Staff Association(Regd) (AIL RSA) through its Office Secretary & authorised representative Shri Y.P.Kohli, S/o Late Sh.Kesar Chand Kohli, H.No.4041/16, Bagichi Ram Chander, Pahar Ganj, New Delhi -110055.
2. Shri Sudesh Ram, S/o Late Sh.Basudeo Ram, R/O Qr. No.47/3, Traffic Colony, Tatanagar, (W.B)Applicants

(By Advocate: Shri Mahesh Srivastava)

Versus

1. The Chairman, Railway Board, Govt. of India, Rail Bhawan, New Delhi.
2. General Manager, Eastern Railway, 17 Netaji Subhash Road, Sairly Palace, Calcutta- 700001.
3. Divisional Railway Manager, Eastern Railway, Sialdah Howrah, (W.B.)
4. General Manager, SE Railway, Garden Reach, Calcutta- 700043.
5. Divisional Railway Manager, South Eastern Railway, Chakradhar Pur, BiharRespondents

(By Advocate: Shri R.L.Dhawan for Respondents 1, 4 & 5.
Shri P.S.Mahendru for rest of the respondents)

JUDGMENT

BY HON'BLE M.R.S.R. ADIGE MEMBER(A).

Applicants (All India Loco Running Staff Association(Regd) and one Shri Sudesh Ram) seek a direction to respondents to grant the benefit of the Hon'ble Supreme Court's judgment dated 5.8.93 in C.A.No.4681-82/92 UD I & Ors. Vs. R.Redappa & Ors, to

S/ Shri A. K. Datta, A. K. Biswas (since deceased); A. K. Bagchi; S. Ganguly and N. N. Napit, as well as L. N. Mukherjee, who although not a member of the applicant Association, is said to be similarly placed.

2. The above named persons participated in the Railway strike in January, 1981 and on that account their services were terminated by resorting to Rule 14(ii) Railway Servants (Discipline & Appeal) Rules. Baring A. K. Biswas (since deceased), S/ Shri Sudesh Ram; A. K. Datta, L. N. Mukherjee; A. K. Bagchi; S. Ganguly; and N. N. Napit filed writ petitions in the Calcutta High Court, which were subsequently transferred to CAT Calcutta Bench and were heard along with T. A. No. 419/86 M. S. Tanti Vs. UOI & Ors. and were dismissed by judgment dated 25.1.88. Meanwhile the Hon'ble Supreme Court in C. A. No. 4691-82/92 on 5.8.93 by a common judgment disposed of a number of civil appeals (UOI & Ors Vs. R. Reddappa & Ors). The Hon'ble Supreme Court issued certain directions which are contained in the operative portion of the judgment. One of the directions was that employees, who were dismissed under Rule 14(ii) for having participated in the Railway strike of 1981 shall be reinstated to their respective posts within 3 months from the date of that judgment.

3. Two of the applicants covered by CAT Calcutta Bench's judgment dated 25.1.88 Shambhu Nath Majumdar and Mahadeb Saran Tanti filed SLP against the said judgment in the Hon'ble Supreme Court, which was heard along with Civil Appeal No. 2695/89 UOI & Ors. Vs. S. A. Ahmed and was disposed of by judgment dated

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5.11.93 whereby the directions given in Reddappa's case (Supra) were reiterated.

4. Meanwhile Shri S.C.Biswal & Ors. had filed O.A.No.248/94 and connected OAs, similarly seeking the benefit of the judgment in Reddappa's case (Supra). The said 12 OAs were dismissed by CAT Calcutta Bench by judgment dated 16.12.94, holding that those cases did not fall within the 5 type of cases delineated by the Hon'ble Supreme Court in Reddappa's judgment and the order of removal against the applicants had attained finality.

5. Against that judgment s/Shri Biswal & Ors. filed CA No.1950-1961/97 in Hon'ble Supreme Court which was allowed by order dated 14.3.97 and those OAs were ordered to be restored to the file of CAT Calcutta Bench for consideration afresh, in the background of the Hon'ble Supreme Court's observations that to get the benefit of the judgment in Reddappa's case, those appellants would have to be such persons whose claim petition had been dismissed, because the appeals filed had already been dismissed and this was a matter which would require investigation on facts.

6. We have heard both sides and have given the matter our anxious consideration.

7. As the prayer of s/Shri Sudesh Ram, A.K. Datta, L.N.Mukherjee, A.K.Bagchi, S.Ganguly and N.N.Napit for reinstatement was dismissed by CAT, Calcutta Bench by judgment dated 25.1.98 on merits after hearing both parties, and we are a

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(3)

Co-ordinate Bench, it would be improper, inappropriate and illegal on our part to interfere with that judgment. At the same time, it cannot be denied that other employees whose services were similarly terminated by resorting to Rule 14(ii) Railway Servants (Disc. & Appeals) Rules have been ordered to be reinstated by Hon'ble Supreme Court in their judgment in Reddappa's case (Supra) which has been reiterated by them in their judgment in S. A. Ahmed's case (Supra), and as recently as 14.3.97 the Hon'ble Supreme Court in Biswal's case (Supra) has remanded those OA's to the CAT, Calcutta Bench holding that the benefit of Reddappa's judgment (Supra) would be available to such persons whose claim petitions had been dismissed because the appeals filed had already been dismissed, which would require investigation on facts.

8. Under the circumstance, we dispose of this OA giving liberty to S/ Shri Sudesh Ram & others named in para 7 above to represent to the authorities concerned, and bring the above legal position to their notice. We are sanguine that respondents will act upon those representations in the letter and spirit of the Apex Court's decisions referred to above. If any grievance still survives thereafter, it will be open to Shri Sudesh Ram & others named above, to agitate the same before the appropriate forum in the manner prescribed by law.

9. This OA is disposed of in terms of para 8 above. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER(J).

S. R. Adige
(S. R. ADIGE)
MEMBER(A).