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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.2291/2000
M.A. NO.2728/2000
M.A. NO.2729/2000

This the 30th day of January, 2002.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

1. Dinesh Kumar Saini S/O Raghunath Saini,
Mobile Booking Clerk,
under Station Superintendent,
N.E.Railway, Kannauj City.
2. Ashok Kumar S/O Keshri Lal,
Mobile Booking Clerk,
under Station Superintendent,
N.E.Railway, Kannauj City.
3. Sanjay Gupta S/O Raj Bahadur Gupta,
Mobile Booking Clerk,
under Station Superintendent,
N.E.Railway, Ganjdondwara.
4. Anil Kumar Singh S/O Drig Pal Singh,
Mobile Booking Clerk,
under Station Superintendent,
N.E.Railway, Fatehgarh.
5. Sushil Kumar S/O J.P.Pal,
Mobile Booking Clerk,
under Station Superintendent,
N.E.Railway, Fatehgarh.
6. Amit Kumar S/O Pop Singh,
Mobile Booking Clerk,
under Station Superintendent,
N.E.Railway, Kasganj.

... Applicants

(By Advocate Shri B.S.Mainee)

-versus-

1. Union of India through
Chairman, Railway Board,
Ministry of Railways,
Rail Bhawan, Raisina Road,
New Delhi.
2. General Manager,
North Eastern Railway,
Gorakhpur.
3. Divisional Railway Manager,
North Eastern Railway,
Izatnagar.

... Respondents

(By Advocate Shri B.S.Jain)

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O R D E R (ORAL)

Hon'ble Shri V.K.Majotra, Member (A) :

M.A. No.2729/2000 for joining together in a single application is granted.

The applicants are aggrieved by the failure of the respondents in regularising their services as Mobile Booking Clerks (MBCs) as per the scheme of Railway Board and also as per the decision of this Tribunal. Shri Mainee, learned counsel of the applicants, stated that as per Railway Board's instructions contained in their letter dated 21.4.1982 (Annexure A-1), all MBCs have to be considered for absorption against regular vacancies provided that they have the minimum qualifications required for direct recruits and have put in a minimum of three years' service as Volunteer/MBCs. The screening for their absorption has to be done by a committee of officers including Chairman or a Member of the Railway Service Commission concerned. The learned counsel stated that all applicants fulfil all the above conditions and that respondents should be directed to hold screening for regularisation of the services of the applicants from the date they have completed three years of service, with all consequential benefits. These applicants are stated to have filed O.A. No.2278/1990 : Dinesh Kumar Saini v. Union of India; O.A. No.2279/1990 : Sanjay Gupta & Anr. v. Union of India; and O.A. No.775/1991 : Anil Kumar Singh & Ors. v. Union of India. These OAs were disposed of vide order dated 29.10.1992 (Annexure A-4) directing the respondents, among others, to confer temporary status on the applicants with all attendant

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benefits after they complete/have completed four months of service as MBCs. It was also directed that the applicants should be granted relaxation in age for purpose of regularisation to avoid hardship, and that the period of service already put in by the applicants would count for reckoning completion of three years period of service, etc. The learned counsel brought to our attention Annexure A-7 dated 15.10.1996 issued by the respondents stating that the applicants were granted regular pay scale of Rs.975-1540 after completion of 120 days of service and they were allocated work similar to the regular employees. The grievance of the applicants is that in spite of that, the respondents have not yet regularised their services as MBCs.

2. On the other hand, Shri B.S.Jain, learned counsel of the respondents, stated that applicants have not provided the requisite particulars regarding fulfilment of eligibility conditions for consideration of their cases for regularisation of their services. He stated that in such a case, the Tribunal cannot issue any directions to the respondents. He relied on the ratio of *Ratan Chandra Samanta & Ors. v. Union of India & Ors.*, JT 1993 (3) SC 418 in which it has been laid down as under :

"We are afraid it would be too dangerous to permit this exercise. A writ is issued by this Court in favour of a person who has some right and not for the sake of roving enquiry leaving scope for manoeuvring..."

The learned counsel stated that in the absence of requisite particulars regarding fulfilment of eligibility


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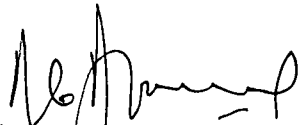
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conditions, a roving enquiry should not be resorted to and relief should not be granted. In response, the learned counsel of applicants stated that in the earlier OAs this matter had been thrashed that the applicants fulfilled the eligibility conditions.

3. Taking into consideration the relevant circular of the Railway Board and the earlier order of the Tribunal, in our view, interest of justice would be duly served if the respondents are called upon to consider the cases of the applicants, on submission of separate representations furnishing details of their service record and eligibility conditions. We direct accordingly. The respondents shall pass reasoned and speaking orders within a period of three months of submission of such representations.

4. The OA is disposed of in the above terms.


(V.K.Majotra)
Member (A)


(Ashok Agarwal)
Chairman

/as/