

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-416/93 in
OA-390/93

New Delhi this the 14th Day of September, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri Dinesh Kumar,
S/o Shri Ram Shankar,
C/o Sh. B.S. Mainee,
Advocate,
240 Jagriti Enclave,
Delhi-92.

Review
Applicant

(through Sh. B.S. Mainee, counsel)

versus

1. Union of India,
through the Secretary,
Ministry of Railways,
Rail Bhavan,
Railway Board,
New Delhi.
2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
3. The Divl. Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.

Respondents

ORDER (BY CIRCULATION)
delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

In this application, a modification of our judgement dated 20.9.93 is sought. Though the O.A. was allowed directing the respondents to treat the applicant as having acquired a temporary status, it was also mentioned that "they are directed to give him work as and when the same is available in accordance with the rules." It has been contended that in para 3.2 of the circular dated 31.3.92, it is clearly stated in case of Mobile Booking Clerks that for the purpose of re-engagement the linkage with the availability of vacancies in the category of Mobile Booking Clerks is not relevant. It is also mentioned

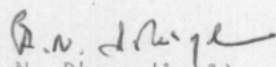
8

-2-


that in similar cases, this Tribunal has given direction to the respondents to re-engage the services of the applicants without any condition or availability of work and have also given direction for regularisation of the services after three years of service of Mobile Booking Clerk.

In the judgement dated 29.9.93, this Tribunal had reiterated the finding in case of Ms. Usha Kumari Anand Vs. Union of India that Mobile Booking Clerks in the Railway for various periods prior to 17.11.1986 deserve to be reinstated in service irrespective of the period of service put in by them. It is also mentioned in this judgement that the applicant will be given work in accordance with the rules. If the applicant can derive extra benefit due to existence of any instructions of the Railway Board, the judgement of this Tribunal will not come in his way. In case he is denied such benefit, he will have a fresh cause of action.

The review application fails and is hereby rejected.


(B.N. Dhoundiyal)

Member(A)


(S.K. Dhaon)

Acting Chairman

/vv/