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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 1997/89  
T.A. No.

198

DATE OF DECISION 22 Jan 1990

Ms. Kanta Rani & Ors Applicant (s)

Shri Anis Suhrawardy Advocate for the Applicant (s)

Versus

Union of India Respondent (s)

Shri Jagjit Singh Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. T.S. Oberoi, Member (J)

The Hon'ble Mr. I.K. Rasgotra, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(delivered by Shri I.K. Rasgotra, Hon'ble Member (A) )

The applicants filed this application on 24th September, 1989 under Section 19 of AT Act, 1989, against the termination of their services <sup>by</sup> the respondents as per particulars given below:-

Name of Petr.	Date of appointment	Date of termination
Kanta Rani	18.5.1984 9.5.1986	15.7.1984 31.7.1986
Shiv Raj Singh	22.5.1986	31.7.1986
Kulwant Singh	24.6.1986	27.9.1987
Anil Kumar Malhar	16.5.1986	17.7.1986
Vijay Kumar	19.5.1986	15.7.1986

2. The facts of the case briefly are that the applicants were appointed as Mobile Booking Clerks in accordance with the scheme introduced by the Railway Board in 1973 which was discontinued on 17.11.1986. The learned counsel of the applicants has prayed that the law in this case has been clearly laid down vide judgement of this Tribunal dated 28.8.1987 in OA 1174/86, Neera Mehta and

Ors. Vs. Secretary, Ministry of Railways and that this matter may therefore be disposed of at the admission stage itself, after obtaining the position from the other side. It is seen from the records <sup>that the</sup> respondents have not chosen to file a reply to OA despite several opportunities given to them. In view of the above we feel that the case can be disposed of without further waiting for a counter from the respondents.

3. The judgement of this Tribunal in OA No.1174 of 1986 dated 28th August, 1987<sup>\*</sup> has laid down the law without any ambiguity in this matter. A subsequent judgement dated 23.5.88 further clarifies <sup>if any</sup> the doubt <sup>if any</sup> persisted about the intention of the judgement in the matter of engagement/absorption of Mobile Booking Clerks. In fact, in paragraph 18 of the judgement delivered by this Tribunal on 23.5.1988<sup>\*\*</sup> it was observed that "the respondents on their own ought to have taken steps to reinstate all the Mobile Booking Clerks who were similarly situated without forcing them to move the Tribunal to seek similar reliefs as in Neera Mehta's case(vide Amrit Lal Berry Vs. Collector of Central Excise, 1975(4) SCC 714; A.K. Khanna Vs. Union of India AIR 1988(2)518".

4. Having gone through the record of the present case and the judgements delivered by this Tribunal as referred to above, we ~~therefore~~ direct that the applicants should be reinstated in service irrespective of the period of service put in by them. Those who have put in continuous service of more than 120 days would be further entitled to temporary status with all the attendant benefits. No back wages shall be payable to the applicants on their reinstatement in service. Period of service already put in by them before their services were terminated would however be counted for completion of three years period of service which is one of the conditions for regularisation and absorption. The respondents are further directed to consider all the applicants for regularisation and absorption <sup>the</sup> subject to their fulfilling all /conditions as contained in the Railway Board's Circular dated

\* Ms. Neera Mehta & Others Vs. Union of India & Others.

\*\* OA 1376/87, Miss Usha Kumari Anand & Others Vs. Union of India & Others.

21<sup>st</sup> April, 1982 and 20th April, 1985. There will be no  
as  
order/to the cost.

*I.K. Rasgotra*  
(I.K. Rasgotra) 22/1/90  
Member (A)

*T.S. Oberoi*  
22.1.90  
(T.S. Oberoi)  
Member (J)