

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(6)

OA.375/88

Date of Decision: 7.7.93

Shri Tarkeshwar Choube and ors.

Applicant

Versus

Union of India and others

Respondents

Shri B.S. Mainee

Counsel for the applicant.

RAM: The Hon. Mr. I.K. RASGOTRA, Member(A)
The Hon. Mr. C.J. ROY, Member(J)

J U D G E M E N T (Oral)

(delivered by Hon. Member(A) Shri I.K.RASGOTRA)

Three applicants in this OA S/Shri Tarkeshwar Choube, Mohd. Naushad and B.B. Sinha were appointed as Mobile Booking Clerks in the North Eastern Railway on 8.5.83, 2.5.83 and 28.3.83 respectively. After they had put in service for some period of time, their services were discontinued vide order dated 17.11.1986. Similar cases of Mobile Booking Clerks/ Part Time Booking Clerks have come up for consideration before the Tribunal and have been decided. First case was that of Neera Menta and others Versus Union of India (ATR 1989 (1) 380). In that case the Tribunal had given relief to the petitioners by a direction to the respondents to reengage them and further to regularise them in accordance with the instructions of the Railway Board dated 21.4.82. There after there have been several judgements and similarly situated persons ^{who} have been provided reliefs. The learned counsel for the petitioner brought to our notice the judgement in the case of Prabhat Kumar and others Versus Union of India and others decided on 28.1.92 and reported in ATJ 1993 (1) 50. After perusal of the record of the case before us and the decision of the Tribunal in Prabhat Kumar's case supra, we are of the view that the matter stands already ^{concluded} ~~calculated~~ ^{vide judgement cited above} ~~in terms of Railway Board's instruction~~. Accordingly, for the reasons given in Prabhat Kumar supra case, we direct the respondents to reengage/regularise the applicants herein and to absorb them against the regular vacancies on their completion of 3 years service subject to their fulfilling other conditions as made out by the Railway Board letter dated 21.4.82

and 20.4.85. We further direct the respondents to confer temporary status with all consequential benefits on the applicants therein. After completing 4 months service as Mobile Booking Clerks in accordance with the terms of engagement, the period of 4 months shall be counted irrespective of number of hours put in any particular day. We further direct that in case the applicants have become over-aged ^{since} ~~as soon as~~ their services were terminated they shall be allowed relaxation in age, to the extent they have rendered service before their services were dispensed with. The services rendered by them earlier shall be reckoned for calculation of 3 years period of service required for regularisation of the applicants.

The DA is disposed of accordingly. *No Cobs. I*

[Signature]
(C.J. ROY)
MEMBER(J)
7.7.93

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[Signature]
(I.K. RASGUPTA)
MEMBER(A)
7.7.93