

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI.

OA.No.1244/90

New Delhi, dated this the 5th of August, 1994.

Shri N.V. Krishnan, Hon. Vice Chairman(A)
Shri C.J. Roy, Hon. Member(J)

versus

1. Union of India through
Secretary, Ministry of Railways,
Rail Bhawan, New Delhi-1.
2. General Manager, Northern Railway,
Baroda House, New Delhi.
3. Chief Project Administrator,
Central Organisation Corporation,
Information System Chanakya Puri,
New Delhi.
4. Chairman, Railway Board,
New Delhi.

O R D E R (Oral)

By Shri N.V. Krishnan.

This OA is listed at Sl.No.7 of the regular matter in today's cause list with a note to the counsel that the first 10 cases are posted peremptorily for final hearing today. As neither ~~the~~ party nor the counsel for either side is present, we proceed to dispose of this matter after perusal of the records.

2. The applicant has sought the following two important reliefs in this OA:-

(i) To issue an order or the orders, direction or directions directing the respondents to withdraw the impugned Notice (A-1) discharging the services of the applicant in a manner as if it was never issued and thereby deeming the applicant in continued employment with full back wages, seniority, promotion and all consequential benefits, had the applicant continued in service in normal course.

(iii) To direct the respondents to continue the employment of the applicant till absorption of the applicant directly by respondents numbering 1 or 2.

3. The applicant had filed earlier another OA, OA.1201/87, when a notice dated 12.8.87, his service was not required intimating that, on the winding up of the Central Organisation for Operation Information System(COOIS), was issued to him. This OA, along with two other OAs, was disposed of by the Annexure A-6 judgement dated 17.5.90. It is clear from that judgement that the applicants in the OAs were engaged as casual labourers by the Northern Railway in the temporary and work charged project, the COOIS(supra). This project was wound up on 30.6.1987, and the project work was transferred to a Society, the Centre for Railway Information System (CRIS), the fourth respondent. The Tribunal considered the question whether the applicants therein were entitled to be absorbed in the Northern Railway in the light of the decision of the Supreme Court in Inder Pal Yadav's case. The learned counsel for the respondents submitted at the time of hearing all those applications that, following the instructions of the Railway Board and the decision of the Hon. Supreme Court in Inder Pal Yadav's case, the names of the applicants therein have been included in the Live Casual Labour Register and they have also been screened for absorption. The Tribunal found that no direction could be issued to the fourth respondent as it was an autonomous body and under Section-14 of the Administrative Tribunal's Act, 1985, this Tribunal had not been empowered to extend its jurisdiction to that body.

It is however, brought on record that the respondent No.4 therein, had taken action for absorption of the applicants but either some of the applicants did not prefer an application or they were found unsuitable. In fact, in para-6 of the judgement, it is stated that out of the 8 applicants in OA.1201/87 (the OA in which the applicant was shown as party), only the second applicant therein submitted his application, but was not found suitable. It is in these circumstances that the Tribunal directed the respondents 1 & 2, in para-13 of the judgement, to absorb the applicants under the 2nd respondent, in accordance with their turn, pursuant to the scheme framed by the Railway Board following the decision of the Supreme Court in Inder Pal Yadav's case.

4. Immediately after this judgement was delivered, the impugned Annexure A-1 order was issued by the 3rd respondent herein on 7.6.90 discharging the 5 candidates including the applicant. It is this order against which, this OA is filed.

5. It is clear from the earlier judgement that the COOIS was an organisation which was wound up on 30.6.87 and the project work was transferred to a Society, the Centre for Railway Information System (CRIS), an autonomous body, which did its best to absorb the persons who were under the threat of being discharged.

6. In view of the fact that the COOIS was an organisation that has been wound up, we do not see any merit in the challenge of the applicant to the Annexure A-1 order, by which, he stands discharged. His discharge by the respondents, will not, in any way, affect the direction given in para 13 of the Annexure A-6 judgement to the respondents

to absorb the applicants therein, in accordance with the scheme prepared by the Railways following the decision of the Hon. Supreme Court in Inder Pal Yadav's case. The respondents have submitted that the name of the applicant has already been placed in the Register and that he would be permanently absorbed on his own turn as per the rules of the Railways. This had been made clear in para 4.11 of their reply.

7. In this view of the matter, we find no merit in the OA. We dispose it with the further observation that the applicant is entitled to the benefit of the Annex A6 judgement rendered in OA.1201/87 on 17.5.90 along with other two OAs, notwithstanding the Annexure A-1 order.

8. OA disposed of accordingly. No costs.

W.M.
(C.J. ROY)
MEMBER(J)

/kam/

Ch
5.8.94
(N.V.KRISHNAN)
VICE CHAIRMAN(A)