

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

DA.No.2587/90

Dated this the 24th Day of March 1995.

Shri S.R. Adige, Hon. Member(A)

Dr. A.Vedavalli, Hon. Member(J)

1. Shri Raghubir Singh,
S/o Shri Niranjan Singh,
2. Shri Neki Ram,
S/o Shri Kundan Singh,
(both Fuel Issuers under Loco-Foreman,
Northern Railway, Saharanpur)
By Advocate: Shri B.S. Mainee.
...Applicants
versus

1. The General Manager,
Northern Railway,
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway, Ambala.
3. The Divisional Railway Manager,
Northern Railway,
State Entry Road, New Delhi.
...Respondents
By Advocate: None.

O R D E R

By Dr. A. Vedavalli.

When the above matter came up for final hearing on 15.2.95, Shri B.S. Mainee, learned counsel for the applicants was present. No one appeared for the respondents though we waited till 2.15 pm. However, the learned counsel for the applicants was heard at length and we have gone through the records.

2. The two applicants herein namely Shri Raghubir Singh and Shri Neki Ram were originally appointed as Khalasis (Class-IV posts) in Northern Railway on 25.9.1960. They have been working as Fuel Issuers (Class-III/ posts) with effect from 5.2.1970 and 30.9.1973 respectively on ad hoc basis. The grievance of the applicants is that their services as Fuel Issuer have not been regularised with all consequential benefits by the respondents inspite of the long and continuous service and also the recommendation for their regularisation

...2...

22

by the Divisional Railway Manager, Ambala to the General Manager, Northern Railway.

3. It is noticed that the applicants had moved this Tribunal earlier also vide OA.No:1368/90 and the matter was disposed of by the judgement dated 13.7.90 (vide Annexure A4) as extracted below:-

"The applicants who were working as Fuel Issuers at Saharanpur under DRM, Ambala, have filed this OA, under Section 19 of the Administrative Tribunals Act, 1985, with the grievance that inspite of their having worked for 17 and 20 years, respectively, in Class-III, on adhoc basis, and their case having been duly recommended for regularisation, by the DRM, Ambala to the General Manager, Northern Railway, Baroda House, New Delhi, the latter has taken no action thereon, inspite of seven months having elapsed.

The learned counsel for the applicants took us through the documents filed by him, alongwith the OA, which go to show that the applicants have represented their grievance to the concerned authorities, several times, but the fact remains that their grievance still remains to be redressed.

We have carefully examined the contents of the application. We have also gone through the DRM, Ambala letter No.724-E/194/UME/P3 dated 7.12.1989 (Annexure-A to the OA), addressed to the General Manager(P), Northern Railway, Baroda House, New Delhi, and in view of the same we direct that the latter would take a decision, if not already taken, within a period of three months, from the receipt of a copy of this order, and communicate the same to the applicants. Needless to say that the applicants would be at liberty to approach this Tribunal, in the event of their being not satisfied, with the decision arrived at, by the respondents.

With the above directions, the present OA is disposed of, without any order as to costs."

4. The applicants submit that respondent No.1, (General Manager, Northern Railway, New Delhi) has not taken any decision in the matter nor has any decision been communicated to them pursuant to the directions given in the aforesaid judgement and hence the present OA has been filed.

5. Respondent No.1 (General Manager, Northern Railway) and Respondent No-3 (Divisional Railway Manager, Northern Railway, New Delhi) have not filed any reply to the present OA. Hence it is not known as to whether the directions given by this Tribunal on 13.7.90 in OA.1368/90 have been duly complied with

By

23

by respondent No.1. The reply filed by respondent No.2 (Divisional Railway Manager Northern Railway, Ambala) in the present DA while dealing with the merits of the case also does not indicate the latest factual position in regard to the compliance of the Tribunal's earlier judgement.

6. We have carefully considered the matter. On the special facts and circumstances of the case, we are giving one more opportunity to respondent No.1 (General Manager, Northern Railway, Baroda House, New Delhi) to comply with the directions given by this Tribunal in the aforesaid judgement dated 13.7.90 and to take a decision as directed therein, if not already taken in the matter and pass a speaking order thereon and communicate the same to the applicants within a period of one month from the date of receipt of a copy of this order.

7. In case the respondent No.1 fails to take a decision and communicate the same to the respondents within the period as directed above, the applicants will be at liberty to approach this Tribunal. With the above directions, the present DA is disposed of. There will be no order as to costs.

A. Vedavalli
24/3/95
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
MEMBER (A)

/M/