

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH. NEW DELHI.

OA-1476/91

New Delhi this the 25<sup>th</sup> day of January, 1999.

Hon'ble Shri T.N. Bhat. Member(J)  
Hon'ble Shri S.P. Biswas. Member(A)

Shri Satish Satia.  
R/o C-2/1, Railway Colony.  
Lajpat Nagar.  
New Delhi-24. .... Applicant

(through Sh. B.S. Mainee. advocate)

versus

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

(through Shri R.L. Dhawan. advocate)

ORDER

Hon'ble Shri S.P. Biswas. Member(A)

The applicant herein is aggrieved by the failure of the respondents to re-engage him as Typist since he claims to have worked prior to 17.11.86 and is entitled to be re-engaged/absorbed based on the Schemes introduced by respondents Railways regarding absorption of sons/wards of Railway employees who continued to be engaged as Volunteers/ABCs/MBCs etc. to cope with the summer rush of passengers. It is the case of the applicant that he had worked as a casual typist for different periods from 1984 to 1986. He was, however, disengaged following the instructions dated 17.11.83

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issued by the Railway Board. The applicant also alleges discrimination in the sense that the services of similarly placed employees like Sh. Chander Pal, Miss Anit Arora, Miss Saroja Bala and Kusum Saini, junior to him as Booking Clerks, have been absorbed ignoring his superior claims.

2. The respondents have resisted the claim of the applicant on the basis of the following:-

(a) The O.A. is hit by limitation - The application has been filed in 1991 whereas the applicant was discontinued long before in 1986.

(b) That as per applicant's own admission only those could be considered for absorption against regular vacancies who have had minimum qualifications required for direct recruitment and also have put in a minimum of three years service as Volunteers/Mobile Booking Clerks. The applicant do not fulfil these qualifications, particularly three years working experience to stake the claim.

(c) That the applicant was engaged as casual Typist in Second Class Reservation office/ Delhi only on payment of daily wages rate during May to July 1984 and in April 1985.

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and that he left the work of his own from 18.1.86. It has been denied that the services of the applicant were discontinued on receipt of Railway Board's Instructions dated 17.11.86. In other words, the instructions contained in Railway Board's letter dated 17.11.86 are not applicable in the case of the applicant.

(d) That the category of typist do not form part of the Scheme which was meant only for Mobile Booking Clerks intended to care of the summer rush at that relevant time.

(e) The petition is not maintainable and is a conspicuous example of misuse of the process of Hon'ble Tribunal as no representation of any kind has been made to any of the authorities and without resorting to any remedy the applicant has approaching this Tribunal.

3. This Tribunal have had the opportunity of examining the aforesaid issues in minute details in OAs No.3053/91 and 1785/94 decided on 9.7.98 & 13.7.98 respectively. The issues concerning limitation, as to what would constitute MBCs, the length of service required to stake such claim and whether one could

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approach/request re-engagements any time upto September 1992 etc. have been discussed in paras 8A, 8B, 8C, 9, 10, 12, 13 & 14 in OA-3053/91. Again, the plea of limitation that would be applicable, in the facts and circumstances of such cases, have been elaborately discussed in our order dated 13.7.98 in OA-1785/94.

4. The respondents denial of the applicant's claim, on the basis of factors mentioned above, cannot be sustained. Stated briefly, the plea of limitation will not be applicable since the respondents themselves had extended the Scheme upto 30.9.92 and the applicant had approached the respondents for his re-engagement vide representation dated 5.6.90. The respondents contention, that casual typists under the Reservation Office/Delhi at the relevant time, could not form part of the present Scheme also falls on the ground because of the details in the respondents communication dated 16.1.87 addressed to Railway Board and the orders issued by them in their letter dated 4.9.91. The plea that the applicant had left the job of his own equally cannot be used to the disadvantage of the applicant because of the instructions in paras 2 & 3 of the Railway Board's order dated 6.2.90. Yet another plea has been taken that experience of working periods, as claimed, are forged. The applicant's claim that he had worked for 148 days in 1984 and 93 days in 1985 has been disputed by the respondents on the plea that the certificate given by Sh. Ganga Ram could not be held as valid since the latter had never worked as Superintendent/Second Class Reservation Office/New Delhi. This will also not stand in the way, of the

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applicant because of the details in para-8A in OA-3053/91. It is not in dispute that this application was filed on 7.1.1991 well before the Scheme came to an end. We find that the facts and circumstances in this original application are applicable on all fours to those in OA-3053/91 and applying the ratio arrived therein, we do not find any convincing grounds to deny the same benefit to the applicant herein.

5. In view of the discussions aforesaid, the O.A. is allowed with the following directions:-

(i) The applicant shall be considered for re-engagement as a Typist within a period of 3 months from the date of receipt of a copy of this order.

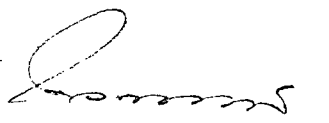
(ii) The applicant's claim for temporary status/regularisation shall be governed by rules and regulations on the subject and instructions available in the original Scheme.

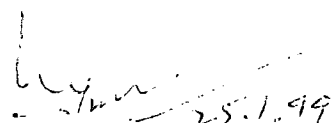
(iii) The services rendered earlier by the applicant shall be counted for the purpose of counting the regular length of service while considering him for absorption/regularisation.

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(iv) If the applicant have become over-aged now he shall be considered for relaxation in age for the purpose of re-engagement to avoid any hardship.

(v) There shall be no order as to costs.

  
(S.P. Biswas)  
Member(A)

  
(T.N. Bhat)  
Member(J)

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