

Central Administrative Tribunal
Principal Bench

OA-1859/91
OA-2180/91
OA-2395/91

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New Delhi this the 7th day of February, 1997.

Hon'ble Mr. K. Muthukumar, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

OA-1859/91

1. Pramod Kumar Sharma, vs. 1. The Secretary,
S/o Sh. Parsadi Lal Sharma Ministry of Railways,
C/o Sh. B.S. Mainee, Rail Bhawan, New Delhi.
240 Jagriti Enclave,
Vikas Marg Extension,
Delhi-110092. ...Applicant **

(By Advocate Sh. B.S. Mainee)

2. The General Manager, Western Rly,
Church Gate, Bombay.
3. The D.R.M. Western Rly,
Kota. ...Respondents

(By Advocate Ms. B. Sunita Rao)

OA-2180/91

1. Rajesh Kumar Bhatnagar, Vs. 1. The Secretary,
Ex. Volunteer Ticket Collector Ministry of Railways,
2. Ghanshyam Sharma, Ex. Volunteer Ticket Collector, Rail Bhawan, New Delhi,
R/o 25-e Pocket-III, Church Gate, Bombay.
Mayur Vihar, Delhi-110091. ...Applicants

(By Advocate Sh. B.S. Mainee)

2. The General Manager, Western Rly,
Church Gate, Bombay.
3. The D.R.M. Western Railway,
Kota. ...Respondents

(By Advocate Ms. B. Sunita Rao)

OA-2395/91

1. Krishna Roy
s/o Shri Fuddi Roy
2. Mithelesh Kumar
s/o Shri Narayan Mandal
3. Maheshwar Roy
s/o Shri Budhu Roy
4. Akhilesh Kumar Verma
Shri Hari Shankar Prasad
5. Mithlesh Kumar Roy
s/o Shri Sundar Lal Roy
6. Jagdish Roy
s/o late Shri Ramchandra Roy
7. Ram Prakash
s/o Shri Saryu Mahto
8. Mohan Kumar
s/o Shri D.N. Srivastava
9. Phulo Sharma
s/o Shri Lal Mohar Sharma
10. Sarobar Sharma
s/o Shri Khushri Sharma
11. Abul Marut
s/o Shri Abul Rauf

**Added Sl.No.1 to 7 below as per order
dated 17.7.97 in MA-1035/97 in OA-
1859/91

* 1. Shibu Lal Saini
S/o Shri Padam Singh
2. Ashok Kumar Khare
S/o Shri K.K. Khare
3. Chander Shekhar Khare
S/o Shri Kapil Kant Khare
4. Murari Lal
S/o Shri Sukhi
5. Mirajuddin
S/o Shri Jamiluddin
6. Laxmi Narayan
S/o Shri Pandhiya
7. Dharam Pal Arora
S/o Shri Hira Lal

12. Apurv Kumar Roy
s/o Shri Anil Chandra Roy

13. Pradip Kumar Day
s/o late Shri Sadhan Kr.Day

14. Prasanta Chetarjee
s/o Shri Shilendra Nath
Chaterjee

15. Suresh Kumar Keshri
s/o Shri Baijnath Pd.Keshri

16. Ravi Guha Roy
s/o Shri Apurv Guha Roy

17. Suresh Kumar Sharma
s/o Shri Madho Sharma

18. Chote Prasad
s/o Shri Bindra Prasad

19. Rajah Kr.Chowaria
s/o Shri A.K.Chowaria

...Applicants

(By Advocate Sh. B.S. Mainee)

-Versus-

1. The Secretary,
Ministry of Railways,
Rail Bhawan,
New Delhi.

2. The General Manager,
North Eastern Railway,
Gorakhpur.

3. The Divisional Railway Manager,
North Eastern Railway,
Samastipur.

...Respondents

(By Mrs. B. Sunita Rao, Advocate with Sh. D.S. Mahendru, proxy
counsel for Sh. P.S. Mahendru, counsel)

ORDER (Oral)
(Hon'ble Mr. K. Muthukumar, Member (A):-)

We have before us three applications filed by the applicants who were engaged originally by the respondent Railways as Voluntary Ticket Collectors. Their services were disengaged in March 1985 consequent on the withdrawal of the scheme of engaging Voluntary Ticket Collectors as was introduced by the Railways in terms of Railway Board notification dated 7.7.1983 (Annexure A-5 in OA-1859/91). These three applications are

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heard together and are disposed of by this common order, as these involve common question of facts and law.

2. The applicants have prayed for a direction to the respondents to re-engage them and grant temporary status after completion of 120 days of continuous service and also give them the benefit of absorption.

3. The respondents in their reply have averred that the Voluntary Ticket Collectors were not engaged in any existing vacancies nor were they given any specific job and they were supposed to assist the regular Ticket Collectors in detaining the ticketless travellers. They have also averred that the scheme of engaging Voluntary Ticket Collectors was abandoned as far back as in March 1985. When they were engaged during the operation of the said scheme these Voluntary Ticket Collectors were paid as Rs.8/- fixed as Pocket Allowance and were posted at important stations. The respondents submit that as the scheme did not have any impact on the ticketless travellers, this was given up. Therefore, the engagement of the applicants did not fall under any definition of employment and accordingly they were all disengaged. The respondents further submitted that since the scheme itself has been abandoned the applicants are not entitled for re-engagement. They have also raised a question of limitation.

4. When the matter came up for hearing today, the learned counsel for the applicants brought to our notice a judgement of the Tribunal in OA-314/92 - Raj Kumar Roy & Ors. vs. Union of India & Ors. In that judgement reliance is placed on the directions given by the Apex Court in Union of India & Ors.

vs. Belal Ahmed & Ors. decided in Civil Appeal No.9262/95 and also Union of India & ORs. vs. Sagar Chand Biswas & Ors. The above O.A. was disposed of with the following directions:-

"6. Accordingly, the respondents are directed to re-engage the applicants as Volunteer/Mobile Ticket Collectors/Booking Clerks and to consider them for regularisation and absorption after completion of three years service subject to their fulfilment of the minimum qualifications laid down for direct recruitment."

5. The learned counsel for the applicants, therefore, prays that in these cases also the Tribunal should consider granting the similar reliefs.

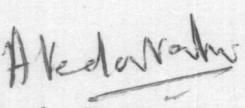
6. The learned counsel for the respondents submits that in the directions given by the Hon'ble Supreme Court in Union of India vs. Belal Ahmed (supra) the Hon'ble Supreme Court had taken into account the directions given in Union of India vs. Sagar Chand Biswas (Civil Appeal No.1015/95) (supra). The aforesaid judgment has also been extracted in Union of India vs. Belal Ahmed (supra). The learned counsel submits that the directions given in OA-314/92 - Raj Kumar Roy & Ors. vs. Union of India & Ors. have infact provided relief on a wider scale than what was provided in the judgement of the Hon'ble Supreme Court in U.O.I. vs. Sagar Chand Biswas and U.O.I. vs. Belal Ahmed (supra). She also submits that the scheme is no longer in operation and it would, therefore, be difficult to consider granting the applicants regular employment under the aforesaid scheme, as the scheme itself was purely voluntary in nature and no substitute scheme has been put in place.

7. We have considered the rival contentions of the parties. It is an admitted position that the Civil Appeals were decided by the Hon'ble Supreme Court after the abandonment of the scheme by the Railways. We cannot, however, ignore the nature of reliefs provided by the Hon'ble Supreme Court in similar cases in the aforesaid appeals. The reliefs claimed in these

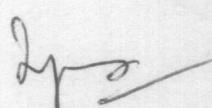
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applications are for re-engagement and grant of temporary status as well as for regularisation. After giving our careful consideration on the facts and circumstances of the case and also the reliefs granted by the Hon'ble Supreme Court and this Tribunal in the aforesaid matters we are of the considered view that these applicants also should be given reliefs on the same lines as given by the Hon'ble Supreme Court in the aforesaid appeals. The learned counsel for the applicants very fairly conceded that it would meet the purpose of the applicants if a suitable direction is given for their re-engagement as Voluntary Ticket Collectors on the same terms and conditions as were in force at that time and they should also be considered for temporary status and regularisation in accordance with the extant rules and instructions of the Railway Board on the subject. Taking this submission into account we dispose of these applications with a direction to the respondents to re-engage the applicants as Voluntary Ticket Collectors on the same terms and conditions as were given to them at the time of their earlier engagement and also to consider them for regularisation subject to their fulfilling necessary qualification and other minimum requirements in accordance with the inter-se-seniority between the applicants and in accordance with the ^{rules and} instructions of the Railway Board in this regard.

8. In the circumstances there shall be no order as to costs.


(Dr. A. Vedavalli)

Member (J)


(K. Muthukumar)

Member (A)

cc.