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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH  
NEW DELHI

O.A. No. 599 of 1991

New Delhi, dated the 14th December, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

1. Shri Gyanendra Singh  
S/o Shri Rampal Singh,  
Ex-Additional Booking Clerk,  
Railway Station Fatehgarh,  
North Eastern Railway.
2. Shri Gobind Prasad,  
S/o Shri Krishan,  
Ex-Additional Booking Clerk,  
North Eastern Railway,  
Railway Station.
3. Shri Avdesh Kumar Dubey,  
S/o Shri H.K. Dubey,  
Ex-Additional Booking Clerk,  
North Eastern Railway,  
Farrukabad.

Presently:

Qr. No.733, Block No.D,  
Sarojini Nagar,  
New Delhi.

..... APPLICANTS

(By Advocate: Shri B.S. Mainee)

VERSUS

1. Union of India through  
the Secretary,  
Ministry of Railways,  
Railway Board,  
Rail Bhawan,  
New Delhi.

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

3. The Divl. Railway Manager,  
North-Eastern Railway,  
Izatt Nagar.

..... RESPONDENTS

(By Advocate: Shri P.S. Mahendru)



ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri Gyanander Singh and two others are seeking re-engagement and and thereafter grant of temporary status towards eventual regularisation as Booking Clerks.

2. Shortly stated the case of the applicants is that in accordance with the scheme formulated by the Railway Board they were appointed as Mobile Booking Clerks during 1983-86, and at any rate prior to 17.11.86 and served as such for different lengths of time during the above period. They state that pursuant to the Respondents' letter dated 17.11.86 (Annexure A-1) they were disengaged from service. They further state that thereafter several Mobile Booking Clerks similarly situated filed O.A.s in the Tribunal praying for re-engagement <sup>in which</sup> were allowed, and the SLPs filed by the Respondents against the Tribunal's directions were dismissed by the Hon'ble Supreme Court. They state that their case is on all fours with those cases and therefore they are entitled to similar treatment.

3. The Respondents in their reply, admit two out of three applicants did work with them as Mobile Booking Clerks, although the exact length of service put in by them is disputed. In the case of the remaining applicant, it is denied that he even worked with the respondents as Mobile Booking Clerk.



4. Be that as it may, applicants' counsel Shri Mainee has been drawn our attention to the Hon'ble Supreme Court's judgment dated 27.7.95 in SLP No. 14756-61 of 1993 and connected cases in UOI & Ors. Vs. P.K. Srivastava & Ors. wherein they have reiterated the Tribunal's directions given in Usha Kumari Anand's case (ATR 1989 (2) CAT 37) and directed the appellant (UOI) to examine each of those cases in accordance with the directions given in Usha Kumari's case (Supra).

5. Furthermore, we note that the Tribunal in its judgment dated 22.11.95 in OA-2731/91 Arvind Kumar Vs. UOI in which the facts are not dissimilar with the present one, held that the applicant was entitled to the relief claimed and following the directions given in Usha Kumari Anand's case (Supra) directed the respondents to re-engage the applicant within three months and thereafter consider the applicant's prayer for regularisation, in accordance with rules, for which purpose, the service of 62 days put in by him was to be counted towards absorption.

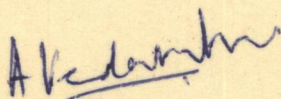
6. In the result we dispose of this O.A. with a direction to <sup>the respondents to</sup> examine the cases of the three applicants forthwith, and in the event that they have put in any service as Mobile Booking Clerks prior to 17.11.86 (irrespective of the length of actual service, because in P.K. Srivastava's case (Supra)



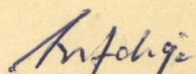
the Hon'ble Supreme Court has held that the period of service put in, is itself not relevant) to re-engage the applicants as Mobile Booking Clerks within three months from the date of receipt of a copy of this judgment.

7. Thereafter the respondents will examine the status of the applicants towards grant of temporary status and eventual regularisation, in accordance with the relevant rules and instructions on the subject.

8. No costs.



(DR. A. VEDAVALLI)  
Member (J)



(S.R. ADIGE)  
Member (A)

/GK/