

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 409/2004

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New Delhi, this the 17th day of February, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

1. Chander Pal, S/o Sh. Sohan Pal

2. Saroj Kumar, S/o Sh. Shyam Lal

3. Raj Kumar, S/o Sh. Raj Pal

(All) are Parcel Porters working at
Northern-Central Railway, Station Sukhabad.

...Applicants

(By Advocate Sh. Yogesh Sharma)

V E R S U S

1. Union of India through
The Secretary
Ministry of Railway
Rail Bhawan, New Delhi.

2. The General Manager
North Central Railway, Allahabad.

3. The Divisional Railway Manager
North-Central Railway, Allahabad.

...Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

Heard the 1st. counsel for the applicants (three in number) who were initially employed as Parcel Porters through railway contractors at the various railway stations of Northern Central Railway, Allahabad during the period from 1985-1995. It is further observed that the applicants have since been transferred w.e.f. 1-4-2003 to North Central Railway. Citing the decisions of the Hon'ble Supreme Court in Writ Petition No.385/2002 and also the decision in Writ Petition (Civil) 165/2003, they have submitted that their cases are also similarly placed and are accordingly covered under the said decisions. They have further submitted that their cases also could be referred to the respondents with directions that they carry out fresh enquiry as ordered in the case of the applicants covered in the said writ petitions and the report thereon being acted upon as per the outcome of the requisite enquiry and the benefit of

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regularisation/absorption' on the basis of the services rendered by them to the Railways against their requirements of parcel handling which is of permanent and perennial nature being extended to them.

2. The facts of the case have been gone through and particularly the decisions of the Hon'ble Supreme Court in the said Writ Petitions have also been perused and it is observed that the said decisions had envisaged directions being given to the respondents, i.e., the Union of India and Railway Administration for scrutinizing of the records already placed by the petitioners in the said Writ Petition and also the records to be placed by the respective contractors and the Railway Administration and to discuss and to deliberate with the parties and ultimately arrive at conclusion in regard to the genuineness and authenticity of each and every claim for regularisation. The directions of the Hon'ble Apex Court also envisaged such petitioners being given work as became available on perennial basis.

3. Without going into the genuineness and merit of the facts as submitted by the applicants in this OA at this stage and keeping in view the fact that they have claimed that their cases are covered under the decisions of the Hon'ble Apex Court as cited above, it is considered that ends of justice will be met if this OA is disposed of at this stage itself while hearing on the point of admission without issuing notices to the respondents to consider this OA with reference to the records available and to see whether the facts as submitted by them are borne by their records and are covered under the decisions as given by the Hon'ble Apex Court. They are further directed to dispose of the matter by

Justice P.M.

(4)

Issuing a reasoned and speaking order as per law within six months from the date of receipt of a copy of this order. While parting with this decision, it is made clear that I have not expressed my mind on the merit of the case.

Sarweshwar Jha

(Sarweshwar Jha)
Member (A)

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