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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

New Delhi this the 21<sup>st</sup> Day of January 1997.

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

Hon'ble Shri R.K. Ahooja, Member (A)

O.A. No. 2422/92

Shri Rajesh Kumar  
Son of Shri Badri Nath  
Ex. Mobile Booking Clerk  
North Eastern Railway  
Railway Station  
Kasganj

O.A.No. 1960/92

Shri Ajay Kumar Shukla  
Son of Shri C.S. Shukla  
Ex-Mobile Booking Clerk  
Railway Station, N.E. Railway,  
Karnauj.

O.A. No. 77/1993

Shri Surinder Singh Rathore  
Son of Shri Babu Singh Rathore  
Ex. Additional Booking Clerk  
Railway Station,  
North Eastern Railway  
Fatehgarh Railway Station.

O.A. No. 76/1993

Shri Rajinder Kumar Mishra  
Son of Shri Durga Prasad Mishra  
Ex. Volunteer/Mobile Ticket Collector  
Under Station Superintendent  
North Eastern Railway  
Pilibhit.

O.A. No. 465/1993

Shri R.S. Kashyap  
Son of Shri Dharam Das Kashyap  
ex. Mobile Booking Clerk  
Railway Station  
Budayun.

O.A. No. 1053/1992

Shri Shiv Kumar  
son of Shri Thakur Das  
Ex. Additional Booking Clerk  
North Eastern Railway  
Puranpur.

**O.A. No. 904/1992****Shri Narayan Singh**

Son of Shri M. Hendra Singh  
 ex. Additional Booking Clerk  
 Kaship Station  
 North Eastern Railway  
 Izatnagar Division.

**O.A. No. 76/1992**

Shri Mond. Quasin U.  
 Son of Shri Samiuddin  
 ex. Additional Booking Clerk  
 Railway Station  
 Bilhaur Railway Station  
 North Eastern Railway.

**O.A. No. 941/1992**

Shri Varinder Singh Pal  
 Son of Shri Dhan Singh Pal  
 Ex. Additional Booking Clerk  
 North Eastern Railway,  
 Railway Station

**Applicants**

(All the O.A.s applicants are  
 C/o Shri B.L. Mainee, Advocate)

**Versus****Union of India through:**

1. The Secretary  
 Ministry of Railway  
 Railway Board  
 New Delhi.

2. The General Manager,  
 North Eastern Railway  
 Gorakhpur.

3. The Divisional Railway Manager,  
 North Eastern Railway  
 Izatnagar

**Respondents**

(By Advocate: Shri P.S. Mahendru)



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ORDER

Hon'ble Shri A.V. Haridasan, Vice Chairman (I)

All these cases involved similar facts and identical question of law and, therefore, they are being heard and disposed of by this common order. The applicants in all these cases were engaged as Volunteer Mobile Ticket Collectors/Mobile Booking Clerks and were all discharged prior to 17.11.1986. The applicant in O.A. No. 2422/92 was first engaged on 17.6.1984 and he had worked till 31.10.1984. The applicant in O.A. No. 1960/92 was first engaged on 22.5.1983 and worked upto 22.6.1983. The applicant in O.A. No. 77/93 was engaged as Mobile Booking Clerk from 1.3.1986 to 31.3.1986. The applicant in O.A. No. 465/93 was engaged as Mobile Booking Clerk from 27.5.1983 to 13.8.1983. The applicant in O.A. No. 1053/92 was engaged from 1.8.1983 to 23.12.1984 with intermittant break. The applicant in O.A. No. 76/92 was engaged as Mobile Ticket Collector from 23.3.1984 to 30.4.1984. The applicant in O.A. No. 904/92 worked as Mobile Booking Clerk from 18.5.1983 to 31.10.1984 with intermittant break. The applicant in O.A. No. 78/93 worked as Mobile Booking Clerk from 20.5.1983 to 18.9.1983 with intermittant break. Applicant in O.A. No. 941/92 was working as Mobile Booking Clerk from 18.5.1983 till 31.10.1984 with intermittant break. After they were discharged the applicants were not considered for re-engagement and regularisation. Mobile Booking Clerks who had rendered service prior to 17.11.1986 and were not re-engaged approached the Central Administrative Tribunal claiming re-engagmenet and regularisation. The Tribunal

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directed the Railway Administration to re-engage the Mobile

Booking Clerks and to consider them for regularisation. The

decision in Usha Kumari Anand's case was reported in ATR

1989(2) 37. This relief has followed the judgement in Miss

Neera Mehta's case. The Special Leave Petition filed

against Miss Neera Mehta's case was dismissed by the Supreme

Court. Pursuant to the above the Railway Board issued order

on 6.2.1990 to all the Railways to re-engage the Mobile

Booking Clerks who had rendered service prior to 17.11.1986.

The applicants who came to know about the above order of the

Railway Board submitted their representations to the

respondents requesting them to re-engage and to consider

them for absorption in regular service but without success.

The applicants have filed this application praying that the

respondents may be directed to re-engage them as Volunteer

Ticket Collectors/Mobile Booking Clerks and to grant them

temporary status and regularise them in accordance with the

decision of the Tribunal in Usha Kumari Anand's case.

2. The respondents have filed detailed reply in all

these cases contesting the applications on various grounds.

They contend that the application is barred by limitation

and they also contend that the decision in Usha Kumari

Anand's case is not applicable to the case of the

applicants.

3. We have heard the learned counsel in either side and

have perused the pleadings and materials available on

record. First of all, we may deal with the plea of

limitation raised by the respondents. Even though the

absorption.

Following the above judgement the Principal Bench of the

Supreme Court in Usha Kumari Anand's case, Union of India

vs. Union of India, 1989 (2) ATR 37, has directed the respondents to

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Directed the Respondents to re-engage the Mobile Booking Clerks and to consider them for regularisation.

engagement of the applicants were stopped prior to 17.11.1986 pursuant to the judgement of the Tribunal in Neera Mehta's case, the Railway Board has issued a Circular dated 6.2.1990 to all the General Managers that Mobile Booking Clerks who have rendered service prior to 17.11.1986 and dis-engaged should be re-engaged as and when they approach them, and thereafter consider grant of temporary status and regularisation. In spite of this Circular of the Railway Board, the request of the applicants have not been considered by the respondents in the light of the above mentioned Circular of the Railway Board. In Usha Kumari Anand's case the Tribunal had given the following directions:

"Following the decision of this Tribunal in Neera Mehta's case and Sumir Kumar Mukherjee's case, we hold that the length of the period of service put in by the applicant in itself is not relevant."

"Admittedly, all those applicants had been engaged as Mobile Booking Clerks before 17.11.86. In the interest of justice, all of them deserve to be reinstated in service irrespective of the period of service put in by them. Those who have put in continuous service of more than 120 days, would be entitled to temporary status with all the attendant benefits. All persons should be considered for regularisation and permanent absorption in accordance with the provisions of the scheme. In the facts and circumstances of these cases, we do not, however, consider it appropriate to direct the respondents to pay back to the applicants on their reinstatement in service. The period of service already put in by them before their services were terminated, would not count for completion of three years period of service which is one of the conditions for regularisation and absorption."

Following the above judgement the Principal Bench of the Tribunal in Arvind Kumar & Ors. Vs. Union of India reported in ATJ 1996(1) 151 directed the respondents to

re-engage the applicants within a period of three months from the date of receipt of the order and to consider their absorption within a period of three years taking into account the service rendered prior to their disengagement also. In the light of the Memorandum dated 21.4.1982 and Memoranda dated 21.4.1982 and 24.5.1990 mentioned in the Railway Board letter dated 6.2.1990. This decision of the Tribunal has been followed in Shri Sanjeev Kumar Vs. Secretary, Ministry of Railways and Ors. in O.A. No. 964/91 decided on 7.3.1986. The applicants in all these cases were engaged as Mobile Booking Clerks or Volunteer Ticket Collectors and dis-engagement prior to 17.11.1986. They are in all respect similarly situated as the applicant in Usha Kumari Anand's case, Arvind Kumar and Sanjeev Kumar (Supra). Therefore, we do not find any reason to deviate from the views taken in all the said cases. The plea of limitation has to be overruled.

4. In the result the applications are disposed of with a direction to the respondents to re-engage the applicants in these cases as Mobile Booking Clerks and Volunteer Ticket Collectors within a period of three months from the <sup>date of</sup> receipt of a copy of this order. The case of the applicants for grant of temporary status, absorption etc. shall be considered by the respondents in accordance with the rulings, rules and instructions in that regard. The period of service, rendered by each of the applicants prior to their dis-engagement shall also be

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taken into account for the purpose of computing the required length of service while considering them for absorption.

There is no order as to costs.

(R.K. Ahooja)  
Member (A)

(A.V. Haridasan)  
Vice Chairman (J)

Attested  
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\*Mittal\*