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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 Marayan Singh**

Son of Shri Mohendra Singh  
ex. Additional Booking Clerk  
Kashipur Station  
North Eastern Railway  
Izatnagar Division.

**O.A. No. 78/1992**

Shri Mohd. Quasin Uddin  
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  
Kashipur.

**Applicants**

(All the above O.A.s applicants are  
C/o Shri B.S. 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 (J)

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. 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  
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. The respondents have not appointed counsel in either side and  
have not submitted any materials available on  
record. At all, we may deal with the plea of  
limitation raised by the respondents. Even though the

Following the above judgement the Principal Bench of the  
Tribunal in Usha Kumari Anand Vs. Union of India  
reported in ATR 1989(2) 37 directed the respondents to



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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 wages to the applicants on their re-employment in service. The period applicant already put in by them before service was terminated, would no doubt, count Mobile 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 dis-engagement 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*  
*Harid*  
*Cost*

\*Mittal\*