

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

O.A. No. 1060 of 1993.

Date of decision *7th Sept... 1997*

Shri Vidyasagar and Another Petitioner(s)

Shri B.S. Maine Advocate for the Petitioner(s)

-versus-

Union of India & Ors Respondent(s)

Shri R.L.Dhawan Advocate for the Respondents

THE HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

THE HON'BLE MR. N.SAHU, MEMBER(A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the judgement?
4. Whether the Judgement is to be circulated to the other Benches?

Judgement delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Original Application No. 1060 of 1993.

Date of decision : This the *7th day of Sept.* 1999. (16)

HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

HON'BLE MR. N.SAHU, MEMBER(A).

1. Shri Vidyasagar
Son of Shri M.V. Janardhanan,
Ex. Mobile Booking Clerk
Southern Railway
Madras.
2. Shri R.Ravindran
Son of Shri M.R. Srinivasa Rao,
ex. Mobile Booking Clerk,
Southern Railway,
Madras

Applicants.

(Both r/o House No.B/9, 6465 VAsant Kunj, New Delhi).

By Advocate : Shri B.S. Maine.

-versus-

Union of India : Through

1. The Secretary
Ministry of Railways
Rail Bhawan
Rafi Marg
New Delhi.
2. The General Manager
Southern Railway
Madras(Tamilnadu)
3. The Divisional Railway Manager
Southern Railway
Madras Division
Madras(Tamilnadu)

Respondents.

By Advocate : Shri R.L.Dhawan.

ORDER

BARUAH J.(V.C.)

In this O.A. the applicants seek directions to the respondents to re-engage them in the services as Mobile Booking Clerk and thereafter confer temporary status with all consequential benefits. The applicants pray for further directions to the respondents to regularise the applicants in service by giving age

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relaxation etc.

Facts are :

(X)

The applicants were appointed Mobile Booking Agents (Mobile Booking Clerks) in Madras Division of Southern Railway after selection. They worked as such on various periods as mentioned in paragraph 4.2 of the O.A. They were deputed for sale of tickets and offered emoluments. Thereafter the Ministry of Railway by a letter No. E(NG) III-77/RC-1/80 dated 21.4.1982 intimated that the Railways decided that the Volunteers/Mobile Booking Clerks engaged in various Railways might be considered for absorbtion against regular vacancies provided they had the minimum qualification required for direct recruits and had put in minimum period of three years in service as Volunteer/Mobile Booking Clerks. However, in 1984 Railway Board issued instructions to the various Railway Zones to discontinue the policy of engaging Mobile Booking Clerks. In terms of the said letter dated 17.11.1986, Railway Board advised all the Railways that the practice of engaging Mobile Booking Clerks till then continuing in some Railways in spite of Railway Board's instructions for discontinuance of the practice. Thereafter the Railway Board issued a final instructions by letter dated 17.11.1986 advising all the Railways to discontinue the practice of engagement of Volunteers/Mobile Booking Clerks and existing arrangement was to be discontinued by observing formalities. The Railway Board further advised that the vacancies arising as a result of termination of service of the Mobile Booking Clerk might be filled up by adopting other methods including re-engaging retired employees. Certain

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Original Applications were filed namely O.A.No. 1325/87 (Shri D.Thangavelu and Ors. VS. U.O.I. & Ors.) and O.A. No. 1584/89 (Shri M.S. Gangai kodan and Ors. Vs. U.O.I. & Ors) in this Tribunal. The said OAs were disposed of by the Tribunal with directions to the respondents to reinstate the Mobile Booking Clerks who were working prior to 17.11.86 and allow them to work as such till they become eligible for temporary status. According to the present applicants, their case is similar to that of the case of D. Thangavelu in which this Tribunal directed the respondents to re-engage those applicants. Pursuant to the Judgement of the Tribunal Railway Board issued instructions to all the Railways vide Circular dated 6.2.90 that all those Mobile Booking Clerks who were working prior to 17.11.1986 and disengaged was directed to approach the Railway Administration by 30.9.1990. Railway Board issued this instructions by their letter dated 31.3.1992. The applicants state that they submitted representations to the respondents after the Railway Board's letter dated 31.3.1992 requesting the respondents to re-engage the applicant as Mobile Booking Clerk as they worked prior to 17.11.1986. As nothing was done the applicants have filed this present application.

2. In due course respondents have entered appearance and filed counter. In the counter the respondents have challenged the maintainability of the application as barred by limitation. As the plea of limitation has been taken by the respondents we feel that this priliminary objection should be decided first.

3. The applicants admittedly were disengaged as far back in 1984. The applicant ought to have come within the

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period prescribed but they did not do so. The plea of the applicants is that the Railway Board by a letter dated 6.2.90 allowed persons disengaged prior to 17.11.1986 to approach the authority by 30th September, 1990. Therefore according to the applicants time was extended upto 30.9.1990. The respondents on the other hand stated that it is true that the Railway Board issued the circular directing the aggrieved persons to approach the authority within that time. The learned counsel for the applicants was asked to produce any evidence to show that such request was made within 30.9.1990 but the learned counsel failed to show any such document. Even assuming such request was made within the time Railway Board allowed applicants ought to have come before the Tribunal within one and half - year thereafter. But this present application has been filed in 1993.

4. In view of the above we find sufficient force in submissions of the respondents. The application is barred by limitation. Accordingly the application is dismissed on the ground of limitation without going into the merits.

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5. No costs.

Narayan D.
(N. SAHU)
Member (A)


(D.N. BARUAH)
Vice-Chairman