

By circulation

Central Administrative Tribunal
Allahabad Bench
Allahabad

Allahabad this the 22nd day of April 1997

Coram : Hon. Mr. T. L. Verma, Member-J
Hon. Mr. S. Dayal, Member-A

Review Application No. 37 of 1997
on behalf of

Union of India & others.... applicants/respondents
(C/A Sri B. B. Paul)

in

Original Application No. 1642 of 1994.

Arvind Kumar aged about 32 years,
son of Sri C.O. Kumar resident of
662-A, Loco Colony-9, Marg, Allahabad
... applicant.

Versus

1. Union of India through the General Manager (P)
Northern Railway, Headquarters office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional commercial Manager,
Northern Railway, D.R.M. Office, Nawab Yusuf Road,
Allahabad.
4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road, Allahabad.

: 2 :

5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.respondents.

II.

ALONGWITH

Review Application No. 38 of 1997
on behalf of
Union of India and others...applicants/respondents.
(C/A Sri B.B.Paul)

in

ORIGINAL APPLICATION No. 1643 of 1994.

Atul Kashyap, son of N.S.Kashyap,
Resident of 671-D, Smith Road, Railway
Colony, Allahabad.Applicant.

Versus

1. Union of India
through the General Manager(P)
Northern Railway Headquarters Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway ,
D.R.M.Office, Nawab Yusuf Road,
Allahabad.
4. Senior Divisional Personal
Officer, Northern Railway, Nawab Yusuf Road,
Allahabad.

7
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5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.

6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.

....respondents.

III.

A_L_O_N_G_WI TH

REVIEW APPLICATION NO. 39 of 1997

on behalf of Union of India & others...applicants/
respondents.
(C/A Sri B.B.Paul)

IN

Original Application No. 1644 of 1994.

Shaileendra Kumar Sriwas,
son of Sri Ram Sewak Sriwas,
R/o. 97/234, Jayantipur, Preetam Nagar,
Sulemsarai, Allahabad.Applicant.

Versus

1. Union of India
through the General Manager (P)
Northern Railway Headquarters Office,
Baroda House, New Delhi.

2. Divisional Railway Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.

3. Senior Divisional Commercial
Manager, Northern Railway,
D.R.M.Office, Nawab Yusuf Road,
Allahabad.

: 4 :

4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road, Allahabad.

5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.

6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.

.....Respondents.

IV. A_L_O_N_G_W_I_T_H

Review Application No. 40 of 1997

On behalf of
Union of India and others....applicants/respondents.
(C/A Sri B.B.Paul)

in

ORIGINAL APPLICATION NO. 1645 of 1994.

Sri Jai Narain son of Sri Ram Das,
resident of 2/92-A, Ramanand Nagar, Allahpur,
Allahabad.Applicant.

Versus

1. Union of India through
the General Manager(P)
Northern Railway Headquarters Office,
Baroda House, New Delhi.

2. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road, Allahabad.

3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M. Office, Nawab Yusuf Road,
Allahabad.

4. Senior Divisional Personal Officer, Northern Railway,
Nawab Yusuf Road, Allahabad.

5. Divisional Commercial Manager, Northern Railway, Nawab Yusuf Road, Allahabad.
6. Station Manager, Northern Railway, Allahabad Station, Allahabad. respondents.

V. A L O N G W I T H

Review Application No. 41 of 1997

On behalf of
Union of India and others....applicants/respondents.
(C/A Sri B.B.Paul)

in

Original Application No. 1646 of 1994.

R.K.Abbhi son of Sri G.S.Abbhi,
resident of 656 D Loc o Colony, Allahabad...applicant.

Versus

1. Union of India through the General Manager(P)
Northern Railway, Headquarters, Office, Baroda House,
New Delhi.
2. Divisional Railway Manager, Northern Railway, D.R.M.
Office, Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager, Northern Railway
D.R.M. Office, Nawab Yusuf Road, Allahabad.
4. Senior Divisional Personal Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway,
Nawab Yusuf Road,
Allahabad.
6. Station Manager, Northern Railway,
Allahabad Station, Allahabad.

.....respondents.

VI. A L O N G W I T H

REVIEW APPLICATION NO. 42 of 1997.

on behalf of

Union of India and others...applicants/respondents.
(C/A Sri B.B. Paul)

in

ORIGINAL APPLICATION NO. 1647 of 1994.

Harish Chandra Yadav, son of Sri Kallu Ram
Resident of 794, Railway Colony, Chaufatka,
District Allahabad.Applicant.

Versus

1. Union of India through the General Manager(P), Northern Railway Headquarters Office, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, D.R.M.Office, Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager, Northern Railway, D.R.M.Office, Nawab Yusuf Road, Allahabad.
4. Senior Divisional Personal Officer, Northern Railway, Nawab Yusuf Road, Allahabad.
5. Divisional Commercial Manager, Northern Railway, Nawab Yusuf Road, Allahabad.
6. Station Manager, Northern Railway, Allahabad Station, District Allahabad.

.....Respondents.

: 7:

VII. A_L_O_N_G_W_I_T_H

REVIEW APPLICATION NO. 43 of 1997.

On behalf of
Union of India and others....respondents/applicants.
in

ORIGINAL APPLICATION NO. 1648 of 1994

Shiv Prasad Shukla, son of Ram Dularey
Shukla, Resident of 59, Old Allahpur,
Allahabad.Applicant.

Versus

1. Union of India, through the General Manager(P)
Northern Railway, Headquarters Office,
Baroda House, New Delhi.

2. Divisional Railway Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.

3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.

4. Senior Divisional Personal Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.

5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.

6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.

.....respondents.

VIII. A L O N G W I T H

REVIEW APPLICATION NO. 44 of 1997.

on behalf of

Union of India and others....respondents/applicants.

(C/A Sri B.B.Paul)

IN

ORIGINAL APPLICATION NO. 1649 of 1994.

Sri L. M. Dubey son of Sri Madan Mohan Dubey,
Resident of 201, Pura Baldi, Kydganj,
Allahabad.Applicant.

Versus

1. Union of India through the General Manager (P),
Northern Railway, Headquarters Office,
Baroda House, New Delhi
2. Divisional Railway Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.
4. Senior Divisional Personal Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager,
Northern Railway, Allahabad.
District Allahabad.

.....respondents.



IX. A L O N G W I T H

REVIEW APPLICATION NO. 45 of 1997

On behalf of

Union of India & others...applicants/respondents
(C/A Sri B. B. Paul)

in

ORIGINAL APPLICATION NO. 1650 of 1994.

Versus

1. Union of India, through the General Manager (P)
Northern Railway Headquarters Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M. Office, Nawab Yusuf
Road, Allahabad.
4. Senior Divisional Personal Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager, Northern Railway, Allahabad
Station, Allahabad, District Allahabad.

.....respondents.

77

X. A_L_O_N_G_W_I_T_H

REVIEW APPLICATION NO. 46 of 1997

On behalf of
Union of India and others....respondents/applicants.
(C/A. Sri B.B.Paul)

in

ORIGINAL APPLICATION NO. 1651 of 1994.

Om Prakash Shukla, son of Thakur Prasad,
Shukla, Resident of Basaunhi,
PO Manjhanpur (Korro), Allahabad. ...applicant.

Versus

1. Union of India through the General Manager(P)
Northern Railway Headquarters Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway,
D.R.M.Office, Nawab Yusuf Road,
Allahabad.
4. Senior Divisional Personal Officer, Northern
Railway, Nawab Yusuf Road, Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allanabad.
6. Station Manager, Northern Railway,
Allahabad Station,
District Allahabad.
.....respondents.

11-
XI. A LONG WITH

REVIEW APPLICATION NO. 47 of 1997
ON BEHALF OF
Union of India and others.....applicant/respondents.
(C/A Sri B. B. Paul)

in

ORIGINAL APPLICATION NO. 1652 of 1994.

Brijesh Kumar Singh,
son of Sri Raj Dev Singh, r/o.
B-161C, Karaili Scheme, Allahabad.....applicant.

Versus

1. Union of India through the General Manager(P).
Northern Railway Headquarters Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager, D.R.M.Office,
Northern Railway, Nawab Yusuf Road, Allahabad.
4. Senior Divisional Personal Officer,
Northern Railway, Nawab Yusuf Road, Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager, Northern Railway,
Allahabad Station, District Allahabad.

.....respondents.


O R D E R
(By Hon. Mr. T. L. Verma, Member-J)

The above Misc. Applications have been filed
seeking review of the order dated 4.11.1996 passed in

O.A.No.1642 of 1994 and other connected O.As.

2. O.A.No.1642 of 1994 and other connected O.As. involved common questions of law and facts hence were disposed of by common order dated 4.11.1996. The Review Application No.37 of 1997 and other connected Review Applications arising ~~out~~^{of} the said order are, therefore, being disposed of by this common order.

3. The applicants, who, in all the O.As. were voluntary Mobile Ticket Collectors had filed their respective cases for quashing order whereby their services were dis-continued on the post of Mobile Ticket Collector and for issuing a direction to the respondents to extend the benefit of temporary status alongwith C.P.C. scale to the applicants who had completed more than 120 days continuous service and to treat them as temporary railway servants.

4. Some of the Mobile Ticket Collectors, whose services were similarly dispensed with, filed a number of cases. A bunch of 73^{such} cases, leading case of which was O.A.No.83 of 1993 was heard and disposed of by a bench of this Tribunal ^{Comprising} Hon'ble Vice-Chairman and Hon'ble Mr. K. Muthukumar, Administrative Member. The bench dismissed the O.As. and held that, Voluntary/ Mobile Ticket Collectors and Mobile ~~Ticket~~^{Booking} Clerks are two different cadres and the instructions issued by the Railway Board by letter dated 6.2.1990 are applicable to the category of Mobile Booking Clerks only. Shri Shiv Shanker, the applicant of O.A.No.479 of



1993 challenged the decision in the aforesaid case by filing Special Leave Petition before the Hon'ble Supreme Court. The Hon'ble Supreme Court has reversed the above finding by setting aside the order of the Tribunal. The cases of the applicants in the O.As., the judgment of which is being sought to be reviewed in this Misc. Application, are in pari-materia with the case of Shiv Shanker allowed by the Hon'ble Supreme Court. We, therefore, by order under review held that their cases will abide by the decision of the Hon'ble Supreme Court in Civil Appeal, of the said Shiv Shanker. In ~~consideration~~ other words the direction of this Bench that the cases of applicants of O.A.No.1642 of 1994 and other connected O.As. will be examined in the same manner as in the case of Shiv Shanker, the applicant in O.A.No.479 of 1992. The direction in this O.As. therefore, obligates the respondents to examine the cases of the applicants of O.A.No.1642 of 1994 and other connected O.As. in the light of the decision of the Hon'ble Supreme Court.

5. We have perused the Misc. Review Applications and the order sought to be reviewed and we find that neither any error apparent on the face of the record has been shown nor it has been brought to our notice that material facts having bearing on the merit of the case, could not be brought ^{and} with exercise of due diligence at the time order was passed, have subsequently been discovered. warranting review of the order. We, therefore, find no merit in the review application No. 37 of 1997 and the connected Review Applications. The petitioners, in fact, are seeking fresh judgment on merit which is not permissible



-14-

within the scope of review.

6. In view of the above we find no merit in these review applications and dismiss the same as not maintainable. A copy of this order be placed in the record of all the review applications.

Sd/

Sd/

Member-A.

Member-J

(pandey)