

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

(THIS THE 27th DAY OF MAY, 2009)

PRESENT :

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J

HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A

ORIGINAL APPLICATION NO. 1428 OF 1997

(U/s, 19 Administrative Tribunal Act.1985)

1. Vinod Kumar Verma,
Son of Suresh Chandra Verma
At present working as Khalasi Junior Clerk in the
Office of the Deputy Chief Signal and Telecommunication
Engineer (West) North East Railway,
Gorakhpur.
2. Moti Lal Yadav, son of Sugreev Yadav,
at present working as Tracer in the office of
Chief Administrative Officer (Construction), North East
Railway, Gorakhpur.
3. Devendra Prasad Rai son of Narendra Prasad Rai,
at present working as junior clerk in the office of
Chief Administrative Officer (Construction) North East
Railway, Gorakhpur.
4. Ram Vinod Chaubey son of Ram Sanahi Chaubey,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
5. Kapildeo I, son of Banke.
At present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
6. Shriram Yadav, son of Goverdhan
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
7. Chauthi Prasad son of Kariya,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
8. Gulab Chand son of Ram Roop
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
9. Ramdas son of Bhuwal
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
10. Prabhuji son of Bhagwandin,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.

11. Nand Lal son of Rashiyawan,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
12. Mustaq Ahmad Khan, swon of Tahsildar Ahmad Khan,
at present working as junior clerk in the officer of
Chief Signal and Telecommunication Engineer (Construction)
North East Railway.
13. Ram Davar son of Sukkhu
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
14. Ram Nawal Mishra, son of Chokat mishra,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
15. Kapildeo II, son of Brij Bihari,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
16. Ram Pravesh son Doodh Nath,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
17. Ayodhya Prasad, son of Ganga Prasad
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
18. Ram Chander son of Bhadar Yadav,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
19. Mumtz Ahamad son of Wahid Ali,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
20. Jawahar Gupta son of Bhuvneshwar Gupta,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
21. Phool Chand son of Jagroop,
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
22. Ved Prakash son of Maheshwari Prasad
at present working as junior clerk in the office of
the Chief Administrative Officer (Construction),
North East Railway, Gorakhpur.
23. Udai Narain Tiwari son of R. N. Tiwari,
at present working as junior clerk in the office of
the Deputy C.O.S. (Construction)
North East Railway, Gorakhpur.
24. Ashwani Kumar Chaubey, son of Ishwar Chand Chaubey,
at present working as junior clerk in the office of
the Deputy C.O.S. (Construction)
North East Railway, Gorakhpur.

25. Mahendra Mishra son of Ram Bhadur Mishra at present working as Photostate operator in the office of the Chief Administrative Officer (Construction), North East Railway, Gorakhpur.
26. Awadh Lal Mandal, son of Kishan Mandal at present working as Plan Recorder in the office of the Chief Administrative Officer (Construction), North East Railway, Gorakhpur.
27. Geeta Ram Joshi son of Shri Triven and Joshi at present working as junior clerk in the office of the Chief Administrative Officer (Construction), North East Railway, Gorakhpur.

..... Applicants

By Advocate: Shri Rajeev Mishra

Versus

1. Union of India, through the Chairman, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
2. The General Manager, North East Railway, Gorakhpur.
3. The Chief Administrative Officer (Construction), North East Railway, Gorakhpur.
4. The Senior Personnel Officer, North East Railway, Gorakhpur.

..... Respondents

By Advocate: Shri P. Mathur

ORDER

(DELIVERED BY: JUSTICE A. K. YOG- MEMBER-JUDICIAL)

1. Heard Shri Rajeev Mishra, Advocate learned counsel for the applicant. Perused the pleadings and the documents on record.
2. At the very outset we note that 27 applicants have joined together. MA No.4977/1997 was filed under Rule 4(5) (a) of CAT (Procedure) Rules 1987. This application was allowed on

25.05.2009 subject to the condition that the respondents shall have right to raise objection on these applicants joining together in one single – at the time of final hearing.

3. Shri P. Mathur, Advocate raises an objection that all the 27 applicants could not join together on the ground that the applicants are working in different offices. It is pointed out that Rule 4(5) (a) (referred to above) provides that 'having regard to the cause of action and the nature of relief prayed for, 'persons who' have common interest in the matter' can be permitted by Tribunal to join together and file 'single application'. On perusing the OA, we find that facts relating to applicant no.1 and 2 are different as compared to the facts of other Applicants. Applicant No. 1 & 2 while they were not regularised-in Group 'D' posts-they were-subject to passing suitability test-given Ad-hoc-appointment in Group 'C' posts.

4. It is not possible to decide the case by a common order. Taking into account relevant circumstances, we propose to decide and pass 'final order' particularly when this OA has been awaiting its disposal for about 11 years in this Tribunal.

5. Briefly stated, applicants are claiming regularization on post in Grade 'C' on the basis of their working on ad-hoc basis for long year in the past. As already noted, some of the applicants were not even regularized in Group 'D' post lust on passing test – they given Temporary, Adhoc appointment on posts, in Group 'C'. In para 4.57 applicants have admitted that they had filed

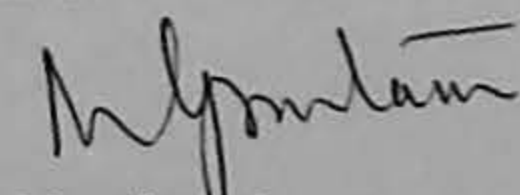
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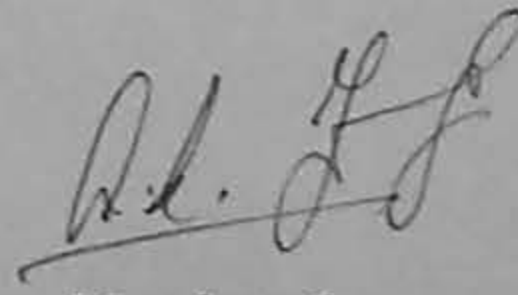
representation before Chief Administrative Officer (Construction), North East Railway, Gorakhpur (though stating that copies were sent to others for information and necessary action but in fact it was not so). According to the applicant they have been illegally ignored in view of order/letter dated 22.12.1995-Annexure-15/compilation-II to the OA. Perusal of said letter dated 22.12.1995 does not indicated adjudication. Perusal of para 4.51 and 4.53 show that the applicants had approached higher authorities including Hon'ble Member of Parliament. Again para 4.57 clearly indicates that contention of the applicant cannot be adjudicated by means of the pleadings, as they stand record in this OA. Contentions of the Applicants – require examination of facts – after verification from the original. The applicant cannot be succeed in getting the relief claimed in this OA.

6. In the result, we direct the applicant to file separate comprehensive parawise representation, (if so advised) along with certified copy of this order before respondent no.3/ Chief Administrative Officer (Construction), North East Railway, Gorakhpur for surviving grievance (if any) within six weeks from today and the said authority was, provided representation is filed as stipulated above, decide the same in accordance with law, relevant rules, etc. by passing a reasoned and peaking order within four months of receipt of the same. Decision taken shall be communicated to the applicant.

7. OA stands finally disposed of subject to the above directions.

No Costs.


Member-A


Member-J