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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 08th day of December 2000.

Original Application no. 350 of 1997.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

1. Chandra Pal, A/a 38 Yrs, S/o Shri Girandhi.
2. Tej Ram, A/a 39 Yrs, S/o Sri Umarai.
3. Satya Pal, A/a 40 Yrs, S/o Sri Mani Ram.
4. Nathoo Lal, A/a 41 Yrs, S/o Sri Ram Lal.
5. Neksa, A/a 37 Yrs, S/o Sri Ram Lal.

All working as Luggage Porters for loading and unloading of Railway booked Consignments, at Aonla Station, District Bareilly, N. Rly.,

... Applicants

C/As Sri P.K. Kashyap

Versus

1. Union of India through the Secretary, Ministry of Railway, NEW DELHI.
2. The Chairman, Railway Board, Government of India, NEW DELHI.
3. General Manager, Northern Railway, Baroda House, NEW DELHI.
4. Divisional Railway Manager, N. Rly., Moradabad.
5. Divisional Commercial Superintendent, N. Rly., Moradabad.
6. Assistant Commissioner (Labour), Central Government, Ministry of Labour, Government of India at LUCKNOW.

... Respondents.

C/Rs Sri G.P. Agarwal

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O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri Chandra Pal and four others have come up seeking relief to the effect that the respondents be directed to provide regular appointment to them on the post of Railway Luggage/ Parcel Porters in the department of Railways and also be given the benefit of ratio in Writ Petition No.507 of 1992 and writ petition no.415 of 1992, disposed of on 09.5.1995. *

2. As per applicants' case they are working as Porter at Aonla Railway Station within Moradabad Railway division for about 15 years but, the railway establishment has not given them the service benefit inspite of recommendation from Station Superintendent, Aonla, a copy of which has been annexed as annexure-6 to the O.A. and, therefore, they have come up before the Tribunal for direction as above.

3. The respondents have contested the case, filed counter.reply with the specific mention that no master servant relationship ever existed in between the respondents and the applicants and, therefore, the applicants cannot put any claim as they have mentioned in the O.A.

4. Heard the learned counsel for the parties and have perused the record.

5. Learned counsel for the applicants

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See.

otherwise
has failed to mention and thereby admitted the fact that no master servant relationship ever existed or accrued in between the applicants and respondents establishment. Learned counsel for the applicants has also failed to give complete reference & citation of which Court they referred in para-8(2) of the O.A. and, therefore, the O.A. is bad on this count as well as being ambiguous for having not referred the complete details of the case law relied upon. Learned counsel for the applicants has made ultimate prayer that the respondents may be directed to pass appropriate order on letter from Station Superintendent, Aonla, copy of which has been annexed as annexure -6 to the OA.

6. I find that there is no harm if direction is issued for taking appropriate action on letter from Station Superintendent, Aonla, copy of which has been annexed as annexure-6 and, therefore, the O.A. is decided with the following direction;

"the competent authority (D.R.M., Northern Railway, Moradabad) in the respondents establishment is directed to pass appropriate order on letter from Station Superintendent, Aonla, copy of which has been annexed as annexure-6 to the O.A. within 6 months from the date of communication of this order, alongwith copy of annexure-6. No order as to costs."

S. S. N. S.
Member (J)

/M.M. /