

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.469/1998

WEDNESDAY, THIS THE 09TH DAY OF OCTOBER, 2002

HON'BLE MAJ. GEN. K.K. SRIVASTAVA .. MEMBER (A)

HON'BLE MRS. MEERA CHHIBBER .. MEMBER (J)

1. Awadesh Prasad,
S/o Laxmi Prasad,
aged about 35 years,
C/o Brij Behari Prasad,
Locko Colony, Quarter No.329/LJ,
Mugalsarai, District Varanasi.
2. Uttam Kumar,
S/o Shri Durgaprasad Singh,
aged about 35 years,
Central Colony,
Quarter No.11/KL,
Mugalsarai, District Varanasi.
3. Umesh Kumar Singh,
S/o Shri Gopal Saren Singh,
aged about 32 years,
R/o Village Bechupuraj Nai Basti,
Mugalsarai, District Varanasi. .. Applicants

(By Advocate Shri Vikas Bhdhwar)

Versus

1. Union of India, through
General Manager,
Northern Railway,
Railway Board, Baroda House,
New Delhi.
2. Chief Commercial Superintendent,
Northern Railway, Baroda House,
New Delhi.
3. Divisional Railway Manager,
Northern Railway,
Nawab Yusuf Road,
Allahabad.
4. Senior Divisional Commercial
Superintendent,
Northern Railway,
Nawab Yusuf Road,
Allahabad. ... Respondents

(By Advocate Shri B.B. Paul)

ORDER

Hon'ble Mrs. Meera Chhibber, Member (J):

By this O.A., the applicant has sought


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the following reliefs:

- i) Issue of a writ, order or direction in the nature of certiorari quashing the oral termination order dated 28.1.1982 with all consequential benefits;
- ii) Issue of a writ, order or direction in the nature of Mandamus commanding the respondents to give benefit to the applicants of Railway Board's letter dated 6.2.1990 by reinstating the applicants and regularising their services as Voluntary Mobile Booking Clerk/Ticket Collectors in terms of the aforesaid circular with all consequential benefits;
- iii) To pass such other and further orders as this Court may deem fit and proper in the circumstances of the case; and
- iv) Award cost of the application.

2. The brief facts as per the applicants are that the applicants were engaged as Voluntary Ticket Collector/Mobile Booking Clerks on 12.1.1982 and worked for a period of 16 days, i.e., upto 28.1.1982. They were paid on hourly basis at the rate of Rs.2.25. It is submitted by the applicants that their work was fully satisfactory and their services were dispensed with simply in order to deny them the grant of temporary status. They have further submitted that the respondents have given appointment to one Shri Rajesh Narain vide letter dated 27.3.1991 even though he had worked only for six days from 16.11.1985 to 21.11.1985 as a Voluntary Mobile Clerk. Thus, they have been discriminated against. They have thus sought that they should also be re-engaged and regularised. They have further stated that similarly situated persons have filed other O.A.s before this Tribunal which were allowed by the

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Tribunal. Therefore, they should also be granted the same relief as has been granted in other cases.

3. The respondents, on the other hand, have opposed the O.A. on the ground that the applicants were never employed in the Railways in any post and simply because as per their own averment, if they had worked for a few days, it does not confer any legal right on the applicants to claim regularisation. They have further submitted that there is no cause of action in favour of the applicant in the year 1998 or 1999. Therefore, this O.A. is totally mis-conceived and is liable to be dismissed being barred by limitation. They have also submitted that no representation was received by the respondents from the applicants. They have further submitted that the alleged certificate of Shri Ram Dass (Annexures 2,3 and 4) are forged and the applicants were in fact, never employed in the Railways in any post. They have also submitted that the Railway Board policy for regularisation of services of Mobile Booking Clerks is not applicable for Voluntary Ticket Collectors. They have further submitted that the cases relied upon by the applicants do not hold the field in view of latest decision of this Hon'ble Tribunal dated 4.9.1992 passed in O.A.No.131/1992 and that of the Hon'ble Supreme Court dated 7.4.1994 and 3.4.1997 which are annexed as Annexure CA-1, CA-2 and CA-3 respectively, They have therefore, submitted that the O.A. is liable to be dismissed with costs.

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4. We have heard both the counsel and perused the pleadings.

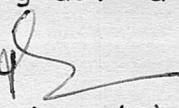
5. Apart from the judgements filed by the respondents as Annexures CA-1, CA-2 and CA-3, the respondents have also shown us a copy of the order passed on 24.5.2002 in O.A.No.547/1993 which is based on almost same facts wherein dealing with all the points raised, the Court was pleased to hold that since the applicants therein had worked only for 16 days, they could not have acquired temporary status and are not entitled for the relief as granted in other cases. Even in Dilip Kumar's case in O.A.No.467/1997, decided by this Tribunal on 25.10.1999, the Tribunal had held that since the applicants therein had worked for a few days, during Ardh Kumbh Mela in 1993 as Volunteers/Ticket checking staff, therefore they had no right and even otherwise their O.A.s were dismissed as barred by limitation as they had worked for few days only in the year 1982, whereas they had filed the O.A. after almost 19 years.

6. We find that this case is also fully covered by the above judgement. In the instant case also, we find that as per applicant's own averment also, they had worked only from 12.1.1982 to 28.1.1982, i.e., only for a period of 16 days, therefore, naturally they would not be entitled for granted of any temporary status. Even otherwise, the present O.A. was filed only in the year 1998, i.e., almost after 16 years from the date they were last.

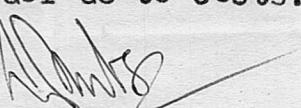
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engaged, as alleged by them though their engagement is totally denied by the respondents. Therefore, without going into the merits of the case, we hold this case is totally barred by limitation. The applicants have not annexed any application for condonation of delay. Therefore, we cannot even entertain this O.A. as per the law laid down by Hon'ble Supreme Court. The O.A. is accordingly dismissed being devoid of any merit. No order as to costs.



Member (J)



Member (A)

psp.