

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.470 OF 1998
ALLAHABAD THIS THE 20TH DAY OF NOVEMBER, 2002

HON'BLE MR. S. DAYAL, MEMBER-A
HON'BLE MR. A. K. BHATNAGAR, MEMBER-J

1. Kishan Singh
aged about 31 years
son of Shri Ram Nagina Singh
resident of U Yard Colony
Quarter no.702-C, Mughal Sarai,
District-Varanasi.
2. Prem Kumar Srivastava,
aged about 33 years
son of Shri Sheo Mohan Srivastava,
resident of C/o Shri Santosh
Kumar Srivastava, T.T.E. Ravi Nagar,
Kali Mandir Road,
Mughal Sarai,
District-Varanasi.
3. Raghuvir Sharan Kharwar
aged about 36 years
son of Shri Shyam Sundar
resident of Village and post office
Khadehara, District-Varanasi.
4. Ramesh aged about 39 years
son of Shri Ramji Sharma
resident of village Siktia Parashuram Mughal
Sarai, District Varanasi.
5. Sunil Kumar
aged about 37 years
son of Shri Banshi Lal
resident of BP-285,
Ravi Nagar Colony near Kali Mandir,
District-Varanasi.
6. Syd. Nizam Hussain
aged about 34 years
son of Shri Syd. Ali Hasan
resident of Mohalla Chiktoli
P.S. Husainabad, Post Office Japla,
District Palayum.
7. Hari Narain Prasad,
son of R.S. Prasad,
aged about 36 years
resident of Village Neditpur,
Post Charaon, District-Varanasi. Applicants

(By Advocate Shri Vikas Budhwar)

Versus

1. Union of India
through Chairman,
Ministry of Railways,
Northern Railway Rail Bhawan,
New Delhi.
 2. General Manager,
Baroda House,
New Delhi.
- RS*

3. Divisional Railway Manager,
Northern Railway,
Nawab Yusuf Road,
Allahabad.

4. Senior Divisional Commercial Manager,
Northern Railway,
Nawab Yusuf Road,
Allahabad.

..... Respondents

(By Advocate Shri B.B. Paul)

O R D E R

HON'BLE MR. S. DAYAL, MEMBER-A

This application has been filed for a direction to respondents to re-engage the applicants in pursuance of the judgment of Hon'ble Supreme Court dated 19.02.1996 with all consequential benefits. A further direction to the respondents is sought for giving benefit to the applicants of Railway Board's letter dated 06.02.1990 by reinstating the applicants and regularising them as Volunteer Mobile Booking Clerks/Ticket Collectors in terms of circular with all consequential benefits.

2. The case of the applicants is that they were engaged as Volunteer Mobile Booking Clerks (V.M.B.C)/ Ticket Collectors in Northern Railway, Allahabad in the year 1982 during the Ardh Kumbh Mela. It is claimed that they were engaged under the scheme which was framed by the Railway Board in pursuance of recommendation of Railway Convocation Committee in August, 1973. It is claimed that the scheme was discontinued in the year 1981 but was reintroduced vide Railway Board's letter dated 21.04.1982 providing for absorption and engagement of V.M.B.Cs/ Ticket Collectors against regular vacancies. The applicants have claimed that they were engaged as Volunteer Ticket Collectors/Mobile Booking Clerks in 1982 vide letter dated 07.01.1982 (annexure A- 3). It is claimed that the scheme under which the applicants had been engaged was operated till it was withdrawn vide letter dated 17.11.1986.

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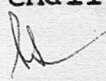
It is also claimed that the applicants were engaged without issuance of any appointment letter and were paid honorarium at the rate of Rs. 15/- per day. It is claimed that in year 1990, the Railway Board framed a scheme vide letter date 06.02.1990 to re-engage the Volunteer Ticket Collectors/Mobile Booking Clerks against regular vacancies provided that they have been engaged before 17.11.1986. The applicants claim to have approached the respondents but the respondents refused to re-engage the applicants. It is claimed that the applicants moved the Tribunal by filing O.A before Allahabad Bench and thereafter several such petitions were filed before the Tribunal which were decided by a common order dated 19.12.1994 rejecting the claim of the applicants on merits. It is claimed that the applicants alongwith other applicants moved the Hon'ble Supreme Court of India in S.L.P Nos. 9606-9603, 16443-51, 17005-17017, 17148-17164, 17224-17230, 18608 of 1995 and the Hon'ble Supreme Court set-aside the judgment dated 19.12.1994 passed by this Tribunal and passed the order in favour of the applicants vide order date 19.02.1996. It is claimed that the order dated 19.02.1996 was passed on the basis of S.L.P Nos.14756-14761/93 decided on 27.07.1995 and allowed the claim of the applicants. The applicants approached the respondents through representation dated 25.04.1996 for granting the benefit of judgment of Hon'ble Supreme Court dated 19.02.1996. They received the reply in the month of July, 1996 wherein the respondents have stated in compliance of the judgment of Hon'ble Supreme Court, the case of the applicants has been examined and it was found that they had never worked under the scheme and the certificates of working days are fake and forged as they were not issued by the competent authority. It was also mentioned that the applicants were not Mobile Booking Clerks. It is claimed

that the respondents had engaged similarly situated persons who had not filed any petition and had adopted pick and choose policy. A reference is also made to order in O.A dated 04.11.1996 passed by the Division Bench of this Tribunal in which the benefit of the judgment of Hon'ble Supreme Court date 19.02.1996 was given to the applicants. It is claimed that the applicants are similarly situated persons and are also entitled to the benefit of the said judgment of Hon'ble Supreme Court.

3. We have heard the arguments of Sri Vikash Budhwar, learned counsel for the applicant and Sri B.B. Paul, learned counsel for the respondents.

4. The respondents have denied that the applicants were ever engaged by them. They have relied on the orders of this Tribunal in O.A 547/1993 dated 24.05.2002 between Dhani Prasad and others and Union of India and others and other linked O.As that there was a delay in approaching the court and, therefore, ratio of Ratan Chand Samanta Vs. U.O.I JT (1993)SC, 481 was applicable and same view has been taken in O.A 1342/97 decided on 12.04.02.

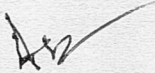
5. We also find that the applicants have filed annexure A- 3 to the O.A dated 07.01.1982 in which it has been mentioned that approved list of volunteers was attached but the said annexure does not have any such list attached to it. Therefore, the fact of engagement of the applicants remains unsubstantiated. It appears in pursuance to the direction of Apex Court in Shiv Shankar and ors. Vs. U.O.I and ors, the case of applicant No. 1 had been examined and he was informed that he never worked under the scheme of Volunteer Ticket Collectors/Mobile Booking Clerks and that his working days certificates were fake. The said letter dated 10.04.1996 is said to be challenged by this O.A which

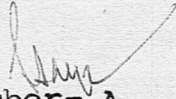


has been filed on 13.04.1998 without explaining delay.

6. We, therefore, find no merit in the O.A and ^{is} dismissed on the ground of limitation as also on merits.

7. There shall be no order as to costs.


Member- J.


Member- A.

/Anand/