

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 6th day of May 2003.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

O. A. No. 811 of 2001

1. Mohd. Haneef S/O Sri Abdul Mazeed R/O Ismail, P.O. Miya Bazar, District Gorakhpur.
2. Fauzdar S/O Late Sri Ram Narain R/O Mohalla Jungle Matadeen, Post Padari Bazar, District Gorakhpur.
3. Anwar Ahmed S/O Mohammed Hassan R/O Azad Nagar, Chilmapur, Rustampur, District Gorakhpur.
4. Sageer-ud-deen S/O Mohammed Gani R/O Mohalla Basantpur, Urdu Bazar, District Gorakhpur.

..... Applicants.

Counsel for applicants : Sri B. Tewari.

Versus

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. Basant Prasad, Manager, Printing and Stationary, N.E. Railway, Gorakhpur.

..... Respondents.

Counsel for respondents : Sri A. V. Srivastava.

O R D E R (ORAL)

BY HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A. filed under section 19 of A.T. Act, 1985, the applicants have prayed for a direction to respondents to issue first class passes to applicants for the year 1999 and onwards. It has also been prayed that direction be given to respondents not to recover any amount by means of difference ⁱⁿ ~~of~~ passes availed by the applicants earlier.


2. The Railway Board revised the pay limits for entitlement of passes on 27.3.1987. This exercise became necessary on account of revision of the pay scale w.e.f. 1.1.1986 introduced on the basis of the recommendations of 3rd Pay



Commission. Different scales were provided for the staff appointed before 1.8.1969 and after 1.8.1969. The scale applicable for the staff appointed before 1.8.1969 ^{to entitlement of 1st class passes} was Rs.1530 and maximum Rs.2040. For the staff appointed after 1.8.1969, the same was Rs.1680 and maximum Rs.2200/=.

3. In the present case the grievance of the applicants is that though they were issued first class passes up to 1998, they were denied the same after 1999. It is claimed that they were appointed before 1.8.1969 and ^{on} the scale available to the category of this class of employees, they were entitled for first class passes and they were rightly issued. The applicants claim appointment before 1.8.1969 on the basis of the facts stated in paragraph 4.1, 4.2 and 4.3, which have not been denied by the respondents in counter reply. Now the other documents relied on by the applicants is the identity cards issued to them by the respondents in which the date of appointment is mentioned as 12.4.69 and 10.4.69. The respondents have tried to explain this date of appointment by saying that it was the date of appointment as substitute. As this fact is not denied that applicants had joined railways in 1963, 1964 and 1965, it can be accepted that till 1969 they would have got temporary status on completion of 180 days. Hon'ble Supreme Court in case of Ram Kumar & others Vs. Union of India and others AIR 1988 SC 390 held that temporary status is acquired on the basis of services rendered by casual employees in broken spells also. It appears that applicants had acquired temporary status much before 1.8.1969 which is reflected from the identity cards filed by them. They are entitled for the benefit of the judgment of this Tribunal given on 14.3.2001 in O.A. No.1662 of 1999.

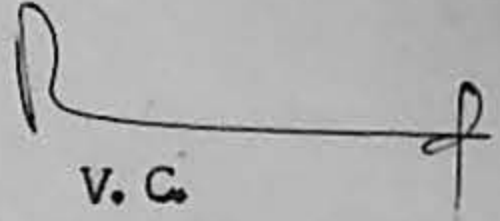
4. For the reasons given in the said judgment, this



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O.A. is also allowed. Respondents are directed to grant first class passes to the applicant and treat them entitled for the same on all the relevant ^{or true} ~~facts~~.

5. With above directions, the O.A. is disposed of finally with no order as to costs.


V. C.

Asthana/