

(10)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 10th day of APRIL 2007

Original Application No. 584 of 2005

Hon'ble Mr. P.K. Chatterji, Member (A)
Hon'ble Mr. S.K. Dhal, Member (J)

1. Lalta Yadav, S/o Shri Doodh Nath
2. Kanhaiya Yadav, S/o Shri Jainath Yadav
3. Ram Chander Yadav, S/o Sri Ram Kumar
4. Ram Asrey, S/o Sri Thakuer Prasad
5. Umakant Yadav, S/o Shri Indrajeet Yadav
6. Vidya Prasad, S/o Shri Dayal Chandra
7. Anubhav Prasad, S/o Sri Shital Prasad
8. Munakka Prasad, S/o Shri Devan Ram
9. Kamlesh Tiwari, S/o Shri K.K. Tiwari
10. Rajesh Singh, S/o Sri S. Singh
11. Jitendra Kumar, S/o Sri B. Shah
12. Ram Jiyawan Yadav, S/o Sri R.R. Yadav
13. Prahlad Baranwal, S/o Sri C. Baranwal
14. Dashrath Prasad Gupta, S/o late J. Shah
15. Rajnath Yadav, S/o Sri Nath Yadav
16. Ashok Kumar, S/o Sri Rajaram
17. Nagendra Prasad, S/o Sri Rajaram
18. Pradeep Kumar, S/o Sri S. Lal
19. Anil Tiwari, S/o Sri K. Tiwari]
20. Suresh Kumar, S/o Sri Lal Bahadur
21. Manoj Kumar, S/o Sri D. Lal
22. Soni Kumar, S/o Sri D. Lal
23. Vinod Shah, S/o Sri Kedar Prasad.
24. Manoj Kumar, S/o Sri Kedar Prasad
25. Nand Lal. S/o Shri Jairam Yadav

All working as Commission Vendor under Catering
Unit Northern Railway, Lucknow.

. . . . Applicants

By Adv: Sri V. Budhwar

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V E R S U S

1. Union of India through General Manager, Northern Railway, Lucknow.
2. The Divisional Railway Manager, Northern Railway, Lucknow.
3. Divisional Senior Commercial Manager, Northern Railway, Hazaratganj Lucknow.

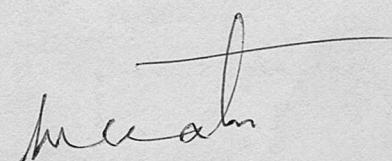
... . Respondents

By Adv: Sri R. Ranjan

O R D E R

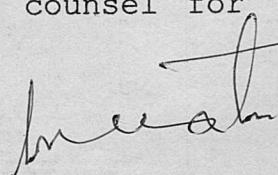
By Hon'ble Mr. P.K. Chatterji, Member (A)

The applicants 25 in number in this OA were working as helper to the Commission Venders at Railway Platform in Varanasi. On 21.12.2000 the Catering Inspector, Northern Railway, Varanasi issued a letter addressed to the Divisional Commercial Manager, Northern Railway, Lucknow requesting him to fill up 19 vacancies of Commission Venders as the erstwhile Commission Venders were regularized against the vacant departmental post. The names of the helper who were engaged by these erstwhile Commission Venders at their own responsibility were also given in the letter. These names are the same as the applicants in the present OA. The relief which the applicant have prayed for is that the Tribunal should issue suitable direction to the respondents to consider them for engagement as Commission Venders against the above 19 vacancies.



2. The learned counsel for the respondents have referred the relevant paragraphs in the CA in which it has been stated that the respondents do not have any contractual obligation with the helpers. These helpers are engaged by the Commission Venders at their own risk and responsibility. Learned counsel for the respondents has also drawn our attention to paragraph 14 of the CA wherein it has been stated that according to Catering Policy 1992 and according to para 4.2.1 of the Catering Policy 2000 the vacancies of Commissions Venders created due to absorption of the venders should not be filled up resultant vacant stall should be closed in case of congested stations. Learned counsel for the respondents, however, further stated that it is for this reasons that no further contractual arrangement is made with the helpers.

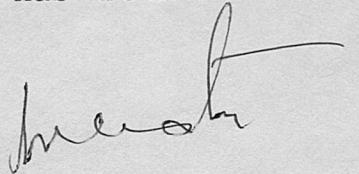
3. The learned counsel for the applicant has, however, stated that the helper continued to work as Venders at the Railway Station and as the certificates granted to them (Page 18 to page 42 of the OA) would indicate, the work permit given to them to work as helper was valid for different dates up to the year 2005. Even now these venders have been working at the Railway Station and the respondents have not close down the stalls. These are still found to be required keeping in view the needs of the passengers. The learned counsel for



the applicant has also stated that this is in clear contradiction to the so called policy decision as stated by the respondents in their counter affidavit with regard to the station at Varanasi. The Policy matter applies to the entire Country. But each zone/unit has to take decision pursuant to the Policy decision with regard to their own units. So far no such decision has been taken in respect of Varanasi and that is why all these helpers has still continued to work as Venders at Railway Station.

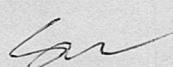
4. Learned counsel has stated that as they have worked for about 20 years as helper the prayer for being considered for engagement as Commission Venders is not at all unreasonable. It is very modest prayer which the respondents should be able to consider and take appropriate decision as would be possible under the present rules and the ground realities.

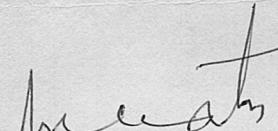
5. We have considered the submission made by the learned counsel for the parties. We have also perused the records and also considered the practical situation which is obtaining as of now at Varanasi. We are of the view that the respondents should be able to consider the representation of the applicants for engagement as Commission Venders. The decision has to be taken in conformity with the policy and the subsequent decision which has been



taken by the respondents in respect of Varanasi station.

6. With these observations we direct that respondent No. 3 i.e. Divisional Senior Commercial Manager, Northern Railway, Hazaratganj Lucknow, will consider afresh representation of the applicants which would be submitted hereafter and take the decision as per rules and in accordance with the policy decision as stated above. After taking the decision on the representation the same should be conveyed to the applicants. It is, however, made clear that this would not confer any legitimacy to the claim that the applicants are making and this is also without any prejudice to the right of the respondents to take decision as would be admissible under the rules. With these directions the OA is disposed of. No cost.


Member (J)


Member (A)

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