



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 2335/2017

This the 28th Day of July, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)**

1. Paramjeet Singh S/o Darshan Singh, Aged 41 years
(Parcel Porter)
R/o House No. 8. Gali No. 1 B,
Krishna Colony, Chandra Nagar,
District-Moradabad. U.P
2. Dindayal Singh S/o Bihari Singh, Aged 40 years,
(Parcel Porter)
R/o Village & Post- Chakki,
District- Buxar, Bihar
3. Shital Prasad S/o Shankar Lal, Aged 43 years
(Parcel Porter)
R/o kasma Kundarki,
Tehsil Bilari, Jaidpur Road,
District Moradabad, U.P.
4. Harswarup S/o Jiva Ram, Aged 42 years
(Parcel Porter)
R/o Chuae Ki Basti
Lane Par, District- Moradabad, U.P
5. Rajbir, S/o Ratanlal, Aged 47 years
(Parcel Porter)
R/o Unchakanhi, District Moradabad, U.P.
6. Arun Kumar S/o Ram Sureman, Aged 39 years
(Parcel Porter)
R/o Village &Post Tikar Mafi,
District Sultanpur, U.P.
7. Ram Sagar Singh S/o Bihari Singh, Aged 45 years
(Parcel Porter)



R/o Village &Post- Chakki,
Laxman Dera, District Buxar, Bihar

8. Binod Kumar Singh, Aged 42 years
(Parcel Porter)
S/o Banwari Singh
R/o Village & Post-Chakki,
Laxman Dera, District Buxar, Bihar
9. Har Kishore S/o Shankar Lal , Aged 40 years
(Parcel Porter)
R/o Kasma Kundarki,
Tehsil Bilari, Jaidpur Road,
District, Moradabad U.P Applicant No. 9

... Applicants

(By Advocate : Shri M.K. Bhardwaj)

Versus

1. Union of India
Through the Chairman, Railway Board,
Rail Bhawan, New Delhi.
2. The General Manager,
Northern Railway, Baroda House,
New Delhi
3. The Divisional Railway Manager,
Northern Railway,
Divisional Office, Moradabad
District Moradabad, U.P.
4. The Deputy Chief Commercial Manager/FM-I,
Northern Railway, Baroda House,
New Delhi

... Respondents

(By Advocate : Shri V.S.R. Krishna)



ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicants worked as Parcel Porters(PP) in the Muradabad Division of Northern Railway between 1992 to 1995. Earlier they approached this Tribunal by filing OA No.3441/2014 claiming the benefit of regularization, against the post of PPs or Group 'D'. Reliance was placed upon certain judgments rendered by the Hon'ble Supreme Court in this behalf. The OA was disposed of directing the respondents to consider the cases of the applicants for regularization against the vacant posts of PP or Group 'D'. Stating to be in compliance with that, the Divisional Manager, Northern Railways, Muradabad passed an order dated 28.02.2017 rejecting the case of the applicants. It was mentioned that there was only one post of PP in Muradabad Division and even that is not vacant, whereas 283 persons were claiming to be the PPs working intermittently. As regards the claim for regularization against group 'D' post, he stated that the Group 'D' comprises of several categories and appointment to them is to be done through the Railway Recruitment Board by verifying the qualifications stipulated for the respective



posts. This OA is filed challenging the order dated 28.02.2017.

2. The applicants contend that in terms of the judgment of Hon'ble Supreme Court several persons were extended the benefit of regularization whereas the respondents have denied it to them.

3. A detailed counter affidavit is filed by the respondents. They contend that the very direction issued by the Tribunal was to consider the case against the available vacancies of PPs or Group 'D' and there are no vacancies of PPs at all. It is also stated that the Group 'D' posts comprises of several trades and categories and for each of them technical specifications are different and they are determined by the Railway Recruitment Board.

4. We heard Mr. M.K. Bhardwaj, learned counsel for the applicants and Mr. V.S.R. Krishna, learned counsel for the respondents.

5. It is a long drawn battle for the applicants and other similarly situated persons, in their effort to get themselves regularized against the permanent posts in the Railways



Hon'ble Supreme Court issued certain directions in Writ Petition No.433/1998 on 22.08.2003. The gist thereof is that the PPs who have worked in various establishments shall be considered for regularization subject to availability of vacancies. The plea of *en bloc* regularization was rejected. In OA No.3441/2014 also, similar facility was extended to the applicants.

6. Hon'ble Supreme Court has entrusted the matter of verification as to the claim of the individuals as PP, to the jurisdictional Assistant Commissioner of Labour(ACL). In the instant case also such a verification was undertaken by the Assistant Commissioner of Labour (Central) Allahabad. In his report dated 17.12.2004, the ACL stated that though it was pleaded that 53 persons worked as PP, the record does not support that. It was mentioned that 6 persons i.e. the applicants herein worked for a period of about one year in or around between 1993-1994 and 1994-1995. In the impugned order, the respondents stated that the only one post of PP existed in the Muradabad Division and even that was filled up. Now comes the question of the entitlement of the applicants against Group 'D' posts.



7. Unlike in other establishments, the Group 'D' in Railways comprises of several posts such as Points Man, Gate Man for which the technical qualifications are also stipulated. Obviously for that reason, the selection to those posts is entrusted to Railway Recruitment Board. Unless the applicants compete for those posts it is not at all advisable or safe to appoint such persons against the posts which are intimately connected to the safety of the railways, such as track maintenance, operation of points. Simply because the applicants happened to work for one year, that too about a quarter of century ago and when there is nothing on record to disclose that they worked thereafter, the respondents cannot be required to confer upon them, the benefit of regular appointment. It must not be forgotten that even for Group 'D' posts, there is competition from Post Graduates or Engineering Graduates. The Railways, which needs upgradation in terms of technology and performance year after year, cannot be burdened with the regularization of untrained and unskilled staff particularly when there are no vacancies suitable for them.

Item No.24



8. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sd/lg/vb/akshaya/