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Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.290 of 1988

Ashok Kumar Shukla & Others Applicants

Versus

Union of India & Others Respondents

connected with

Registration O.A. No.241 of 1988

Udai Shanker Singh & Others Applicants

Versus

Union of India & Others Respondents

Connected with

Registration O.A. No.502 of 1988

Shri Ram Babu Applicant

Versus

Union of India & Others Respondents

Connected with

Registration O.A. No.509 of 1988

Shashi Bhushan Tiwari Applicant

Versus

Union of India & Others Respondents

Connected with

Registration O.A. No.510 of 1988

P.K.Sharma Applicant

Versus

Union of India & Others Respondents

Hon.Mr.Justice K.Nath, V.C.

Hon.Mr. I.K. Rasgotra, A.M.

(By Hon.Mr. I.K.Rasgotra, A.M.)

This is a bunch of five Original Applications where the applicants were engaged as Mobile Booking Clerks under the Scheme which was framed by the Railway Board in pursuance of the Railway Convocation Committee

Recommendations in August, 1973. The Scheme was discontinued on 14.8.81 but later reintroduced vide Railway Board letter dated 21.4.82 providing for absorption of those Mobile Booking Clerks against regular vacancies who had already been working as such. The orders of the Railway Board were not uniformly followed by all the Railways with the result that some of the Railways continued to operate the Scheme much after it had been withdrawn. Finally, the Scheme was withdrawn under the instructions of the Railway Board from all Railways uniformly with effect from 17.11.86. A bunch of petitions of the Mobile Booking Clerks were decided by the Principal Bench of the Central Administrative Tribunal viz. Neera Mehta and Others Vs. Union of India and Others on 28.8.87 wherein it was decided that all those Mobile Booking Clerks who were engaged prior to 17.11.86 and whose services were terminated, shall be reinstated in service. They shall also be entitled to be considered for absorption in regular employment against regular vacancies subject to other conditions stipulated in the Railway Board's letters of 21.4.82 and 20.4.85. The said judgement in Neera Mehta and Others was subsequently challenged in the Hon'ble Supreme Court and was eventually upheld. Thereafter, there have been a large number of decisions in respect of Mobile Booking Clerks one of which Miss Usha Kumari Anand and Others Vs. Union of India and Others (O.S. No. 1376 of 1987) has been brought to our notice by Shri Arbind Kumar, the learned counsel for the applicants in all these applications. Shri A.V. Srivastava appearing on behalf of the respondents in O.S. No. 290/88 drew our attention to the Railway Board's circular

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dated 6.2.90 where In the light of the judgement in Neera Mehta and Others supra case the Railway Board have issued instructions to the Railway Administrations to secure implementation of the judgement of the Central Administrative Tribunal.

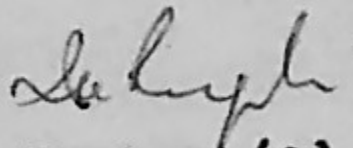
2. As the issues of law and facts raised in this bunch of petitions are identical to the issues discussed and decided in the case of Neera Mehta and Others (O.A. No.1174 of 1986) and Miss Usha Kumari Anand and Others (O.A. No.1376 of 1987) we order and direct that the reliefs as provided in the judgement of the Principal Bench referred to above shall be available to the applicants in these petitions. These are :-

- (i) As all the applicants have been engaged as Mobile Booking Clerks before 17.11.86, they shall be reinstated in service irrespective of the period of service put in by them.
- (ii) They shall be entitled to Temporary Status after they have put in more than 120 days continuous service with all the attendant benefits.
- (iii) They shall be considered for regularization and permanent absorption against regular vacancies in accordance with the provisions of the Scheme as spelt out in the Railway Boards letters of 21.4.82 and 20.4.85.

3. We however do not consider it appropriate to direct the respondents to pay back-wages to the applicants on their reinstatement in service. The period of service already put in by them before their services were terminated would however count for

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completion of three years period of service which is one of the conditions for regularization and absorption. Further, the applicants shall be reinstated to the post of Mobile Booking Clerks from the respective dates on which their services were terminated within a period of three months from the date of communication of this order. The period from the date of termination to the date of reinstatement will not be treated as duty and as earlier said nor shall it be eligible for any payment of back_wages. There will be no order as to costs. These Original Applications are disposed of with the above observations.


Member (A)
7/12/1990


Vice Chairman

Dated the 7th December, 1990.

RKM