

(P3)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Original Application No. 50 of 1992

1. Surendra Nath Ram
2. Brijesh Kumar Singh
3. Om Prakash Shukla,
4. Rajnish Kumar Singh.

..... .Applicants

Versus

1. Union of India, through G.M. Northern, Railway Baroda House, New Delhi.

2. The Divisional Railway Manager, Northern Railway, Allahabad.

3. The Sr. Divisional Commercial Supdt. N.Railway, Allahabad.

..... .Respondents.

Hon'ble Mr. K. Obayya, Member (A)

Hon'ble Mr. S.N. Prasad, Member (J)

( By Hon'ble Mr. S.N. Prasad, J.M.)

The applicants have approached this tribunal under section 19 of the Central Administrative Tribunal Act, 1985 with the prayer to the effect that respondents be directed to re-engage them as Volunteer Ticket Collectors as per extant rules, giving them the benefits of Railway Board's circular dated 6.2.1990.

2. The main grievance of the applicants is that under the scheme of 'Combating Ticketless Travelling on the Indian Railways, the sanction of which was initially communicated to all the D.R.Ms's of Northern Railway vide General Manager(Commercial), Northern Railway, vide letter No. 315-MC/34-A/76-III dated June, 1985, the applicants were engaged as Volunteer Ticket Collectors, and under the above scheme the applicants No. 1,2 & 4 worked as Volunteer Ticket Collectors from 22.3.1986 to

31.12.1987.

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31.3.1986 and the applicant No. 3 worked as Volunteer Ticket Collector from 22.3.1986 to 25.3.1986 and 28.3.1986 to 31.3.1986 under the Chief Inspector Tickets (Raids) Northern Railway, Allahabad (Vide Annexure A-4, A/4A, A/4B and A/4C). It has further been stated that the applicants at the time of their engagement as Volunteer Tickets Collectors fulfilled all the requisite qualifications and conditions with regard to the appointment of Volunteer Ticket collectors. After having known the contents of Railway Board's letter dated 6.2.1990 vide (annexure A/1), the applicants submitted applications to the D.R.M., Allahabad dated 4.4.1991 and 10.6.1991 but no any response, hence the applicants have approached this Tribunal.

3. We have heard the learned counsel for the parties and have perused the records.

4. The learned counsel for the applicants while drawing our attention to the aforesaid letter dated 6.2.1990 and to the judgement passed by the Principal Bench in case of Neera Mehta Vs. Union of India and <sup>Others</sup> decided on 28.8.1987 and <sup>to the fact</sup> ~~keeping in view~~ that the S.L.P. which was filed against the decision of Principal Bench has been disallowed by the Supreme Court, the Railway Board issued the above letter dated 6.2.1990 which provide for re-engagement of Mobile Booking Clerks and has argued that the case of Volunteer Ticket Collectors are identical with cases of Volunteer Mobile Booking clerks and this tribunal has allowed the application and has referred to the case of Sanjay Kumar Saxena Vs. Union of India O.A. No. 788 of 1991, wherein application was allowed by this Tribunal as per order dated 16.12.1991 and has urged that in this instant case also similar order be passed.

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4. Having considered all the view points and all the aspects of the matter we are inclined to pass the similar order as passed in the aforesaid O.A. No. 788 of 1991 "Sanjay Kumar Saxena Vs. Union of India and others". From the materials on records we *prima facie* find that the applicants have worked as Volunteer Ticket Collectors as would be seen from the perusal of the Annexure A/4, A/4A, A/4B & A/4C.

5. It is an admitted fact that in pursuance of Tribunals decision in Neera Mehta Vs. U.O.I.; the Railway Board vide its letter dated 6.2.1990, issued instructions to all the zonal Managers to re-engage the mobile Booking clerks and to consider them for regular absorption provided, the conditions laid down are satisfied, A number of cases on similar issue were allowed by the Tribunal. We have perused the record which discloses that the applicants were engaged as Volunteer Ticket Collectors in 1986. As such *prima facie* it would appear that the applicants are entitled for the re-engagement in accordance with the Railway Board instruction dated 6.2.1990(Annexure A/1) as their case is found to be almost on the same footing as that of Volunteer Mobile Booking Clerks. In these circumstance, we direct the respondents to verify the particulars of work of the applicants and in case their claims of service are found established to take further action as follows :

- (i) The applicants shall be re-instated in service.
- (ii) They shall be entitled for temporary status after they have put in more than 120 days

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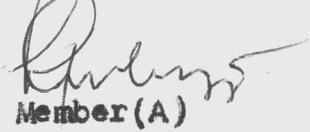
Continous service with all the attendant benefits.

(iii) They shall be considered for regularisation and permanent absorption against regular vacancies in accordance with the provisions of the scheme as spelt out in the Railway Board's letter dated 21.4.1982 and 20.4.1985.

(iv) They shall not be entitled to back wages.

5. The application of the applicants is disposed of as above, the parties to bear their cost.

  
Member (J) 7.4.92

  
Member (A)

Allahabad dated 7th April, 1992.

(RKA)