RESERVED (5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BNECH

ALLAHABAD.

Allahabad this the 23rd day of January 1995.

Hon'ble Mr. Justice B.C. Saksena, Vice-Chairman
Hon'ble Mr. K. Muthukumar, Administrative Member.

Contempt Petition no. 2426 of 1993 in
Original Application no. 131 of 1992.

Lalji Shukla, S/o Shri (Late) S.M. Shukla, R/o 44 Katghar, Police Station, Muthiganj, District Allahabad.

... Petitioner

C/A Shri S.K. Mehrotra

Versus

1. Sri A.K. Jain, Divisional Railway Manager, Northern Railway, Nawab Yusuf Road, Allahabad.

2. Shri R.D. Tripathi, Senior Divisional Commercial Manager, Northern Railway, Nawab Yusuf Road, Allahabad

... Respondents

C/R Shri B.B. Paul

Connected with

2. Contempt Application no. 2 of 1994 in
Original Application no. 1265 of 1991.

Krishna Raj Tewari, S/o Late Shri Shiv Baran Tewari, r/o 266, Chaukhandi, Kydganj, Allahabad.

... Petitioner

Versus

1. Shri Massihulzaman, General Manager, N. Rly, Baroda House, New Delhi.

2. Shri A.K. Jain, Divisional Railway Manager, N. Rly Allahabad.

Cont.....2/-

3. Shri R.D. Tripathi, Senior Divisional Commercial Manager, N. Rly, DRM Office, Allahabad.

... Respondents

3. Contempt Application no. 1954 of 1993
in Original Application no. 531 of 1992.

Gulab Singh, S/o Shri Ram Asrey Singh, R/o 422/3-A, G.T.B. Nagar, Kareli, District Allahabad.

... Petitioner

Versus

1. S.C. Mathur, General Manager, Northern Railway, Baroda House, New Delhi.

2. R.D. Tripathi, Divisional Commercial, Superintendent Northern Railway, Allahabad.

3. A.K. Jain Divisional Railway Manager, N. Rly Allahabad

... Respondents

4. Contempt Application no.1568 of 1993
in Original Application no. 136 of 1992

Udai Raj, S/o Shri Brij Nath, R/o Qr. no. 85 GRP Colony, Leader Road, Allahabad.

... Petitioner

Versus

1. Shri S.N. Mathur, General Manager, N. Rly, Baroda House, New Delhi.

2. Shri A.K. Jain, Divisional Railway Manager, N. Rly Allahabad.

3. R.D. Tripathi, Senior Divisional Commercial Manager, Divl. Rly. Managers Office, N. Rly, Allahabad.

... Respondents

5. Contempt Application no. 1897 of 1993
in Original Application no. 1117 of 1992

Ravi Shanker Tewari, S/o Shri Kamla Prasad Tewari, R/o Village & Post Office Nekhara, District Mirzapur.

... Petitioner

Versus

Cont....3/-

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1. Shri Massih-Ul-Saman, General Manager, N. Rly, Baroda House, New Delhi.

2. Shri A .K. Jain, Divisional Railway Manager, N. Rly Allahabad.

3. Shri R.D. Tripathi, Senior Divisional Commercial Manager, N. Rly, DRM Office, Allahabad.

... Respondents

6. Contempt Application no. 1791 of 1992
in Original Application no. 846 of 1991.

K.K. Srivastava and Others

... Petitioners

Versus

P.K. Vahi, DRM, N. Rly, Allahabad.

... Respondent

7. Contempt petition no. 1473 of 1993
in Original Application no. 532 of 1992.

Tribhuwan Prasad, S/o Shri D. Prasad, R/o House no. 16, Rajapur, Allahabad.

... Petitioner

Versus

1. S.C. Mathur, General Manager, N. Rly, Baroda House, New Delhi.

2. R.D. Tripathi, Senior,Divisional Commercial, Supdt. N. Rly. Allahabad.

3. A.K. Jain, D.R.M. N. Rly, Allahabad.

... Respondents

8. Contempt Petition no. 1472 of 1993
in Original Application no. 613 of 1992.

Raj Kumar Srivastava, S/o Shri K.L. Srivastava, 90A/184 Shivaji Nagar, Allahabad.

... Petitioner

Versus

1. S.C. Mathur, General Manager, N. Rly Baroda House, New Delhi.

Cont....4/-

2. R.D. Tripathi, Divisional Commercial Superintendent N. Rly, Allahabad.

3. A.K. Jain, D.R.M., N. Rly, Allahabad.

... Respondents

9. Contempt Petition no. 2186 of 1993.
in Original Application no. 955 of 92.

Surendra Kumar Tripathi, S/o Shri S.P. Tiwari, a/a 35 Yrs, R/o & C/o N.S. Tripathi, 793-A Ghanshyam Nagar, Rly. Colony Allahabad.

... Petitioner

Versus

1. Mr. S. Masihrug-man, General Manager, N. Rly, Railway Board, Baroda House, New Delhi.

2. Divisional Railway Manager, Mr. A.K. Jain, N. Rly DRM Office, Allahabad.

3. Sr. Divisional Commercial Superintendent, N. Rly Nawab Ushuf Road, Allahabad.

... Respondents

10. Contempt Petition no. 03 of 1994
in Original Application no. 968 of 1992.

Jai Prakash Pandey, S/o Shri H.N. Pandey, 119/133, South Malaka, Allahabad.

... Petitioner

Versus

1. Shri Masihuzama, General Manager, N. Rly, Headquarters Office, Baroda House, New Delhi.

2. Shri A.K. Jain, Divisional Railway Manager, N. Rly, Allahabad.

... Respondents

11. Contempt Application no. 54 of 1994
in Original Application no. 1189 of 1992

1. Satyendra Kumar Sahu, S/o Late Shri P.L. Sahu, R/o 18, Rewa Building, Leader Road, Allahabad.

2. Arun Kumar Pandey, S/o Shri P. Pandey, r/o 22-A

Cont....5/-

Rewa Kothi, Leader Road, Allahabad.

... Petitioner

Versus

1. Masihuzzaman, General Manager, N. Rly, Baroda House, New Delhi.

2. R.D. Tripathi, Senior Divisional Commercial, Superintendent, Northern Railway, Allahabad.

3. A.K. Jain Divisional Railway Manager, N. Rly, Allahabad.

... Respondents

12. Contempt Application no. 2106 of 1993
in Original Application no. 1642 of 1992.

Km. Sujata Dhusia, D/o Late Shri R.A. Dhusia, 20, Sadar Bazar (New Cantt), Allahabad.

... Petitioner

Versus

1. Shri S.N. Mathur, General Manager, N. Rly, Baroda House, New Delhi.

2. Shri A.K. Jain, Divisional Railway Manager, N. Rly Allahabad.

3. Shri R.D. Tripathi, Sr. Divisional Commercial Manager, DRM Office, N. Rly, Allahabad.

... Respondents

13. Contempt Application no. 23 of 1994
Original Application no. 826 of 1991

Rafaquat Hussain Rizvi, S/o Late Shri S.H. Rizvi, R/o 5 Sultanpur Bhawa, Allahabad.

... Petitioner

Versus

1- Shri Massiulzaman, General Manager, Northern Railway, Baroda House, New Delhi.

Cont.....6/-

2- Shri A.K. Jain, Divisional Railway Manager, Northern Railway, Allahabad.

3- Shri R.D. Tripathi, Senior Divisional Commercial Manager, Northern Railway, DRM Office, Allahabad.

... Respondents

14. Contempt Application no. 925 of 1993
Original Application no. 1221 of 1991.

Rakesh Mehta, S/o Shri D.S. Mehta, R/o Railway Quarter No.65 FF, VII-Avenue, Nawab Yusuf Road, Allahabad.

... Petitioner

Versus

1. Shri S.N. Mathur, General Manager, Northern Railway Baroda House, New Delhi. (Representing the Union of India).

2. Shri A.K. Jain, The Divisional Railway Manager, Northern Railway, Allahabad.

... Respondents

15. Contempt Petition no. 1496 of 1992
Original Applicantion no. 1229 of 1991.

Ashfaq Ali, S/o Shri Ahmed Ali, a/a 30 Years, R/o 272-Chak Zero Road, Allahabad.

... Petitioner

Versus

1. Shri P.K. Wahi, Divisional Railway Manager, Northern Railway, DRM Office, Nawab Yusuf Road, Allahabad.

2. Shri Ram Payere, Senior Divisional Commercial Superintendent, Northern Railway, D.R.M. Office, Nawab Yusuf Road, Allahabad.

... Respondents

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O R D E R(Reserved)

JUSTICE B.C. SAKSENA, V.C.

The learned counsel for the applicants of these bunch of 15 contempt petitions stated that the various O.As out of which these contempt applications arise, the Tribunal had passed identical orders as in O.A. 131/92 Lalji Shukla Vs. Union of India and Ors out of which the leading contempt petition no. 2426/93 arises. We are, therefore proceeding to decide all these 15 contempt petitions by a common judgment.

2. In these contempt petitions it is alleged that in various O.As out of which these contempt petitions arise, a Division Bench of this Tribunal passed orders directing the respondents"to consider and analyse the cases of Mobile Ticket Collectors and to find out if any scheme can be framed by them by laying down a particular criteria for re-engaging them as casual or daily basis. Let a scheme be framed within a period of two months from the date of communication of this order".

3. It is alleged by the applicants that in pursuance to the directions they approached the respondents for their re-engagement, they have not been re-engaged. The specific grievance of the applicants is that the respondents though directed specifically by the orders contained in the O.As to frame a scheme by laying down criteria for re-engaging them as casual or daily basis have failed to frame such a scheme.

4. The respondents filed application Under Rule 24 of the CAT(Procedure) Rules 1987 and have indicated that

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after the decision in O.A. 131/92 Lalji Shukla Vs. Union of India and Ors(i.e. to say the leading case), the respondents at the stage of Divisional Railway Manager Northern Railway Allahabad requested the General Manager Northern Railway Baroda House New Delhi to consider feasibility of framing of a scheme as directed by the Tribunal. In response thereto the Chief Commercial Manager(General) Northern Railway New Delhi passed an order on the 25th of October 1993 suggesting that it was not feasible to fram the scheme. The matter was referred upto the stage of Railway Board and a special leave petition was filed before the Hon'ble Supreme Court. The further averment on behalf of the respondents is that the Apex court by an order dated 7.4.94 passed the following order:-

> " Delay condoned. The order only gives the direction to the petitioner to find out if any scheme can be framed out. The Union of India can examine the matter and if it is not possible to frame a scheme record its finding accordingly. There is no obligation cast by the impugned order that the scheme should be framed in any case. Subject to the above observations the SLP is disposed of. "

5. The copy of the communication by the General Manager(Commercial) dated 12.5.94 has also been annexed alongwith copy of the letter dated 26.5.94 passed by the General Manager. Through the last letter the decision of the Railway Board contained in its letter dated 26.5.94

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has been reproduced. The Railway Board had passed the following order:-

" the feasibility of working of a scheme for re-engagement of the voluntary Ticket Collectors has been examined by the Board and has directed by the Hon'ble Supreme Court in their judgment dated 7.4.94 and it has been decided that in view of the decision explained in General Manager(Commercial) New Delhi's note dated 25.10.93 attached to the letter referred to above and also in view of the fact that the Railway beset with the problems of absorption of a large number of surplus employees and casual labourers, it will not be possible to device a scheme for re-engagement of the voluntary ticket collectors who were engaged only for a short period on payment of Pocket Allowance Basis. The case of the voluntary Ticket collectors also bear no anology with the case of Mobile Booking Clerks for whom a special scheme was worked out for their re-engagement. "

6. The direction to the respondents as given in the order passed by the Tribunal in the various O.As shows that the respondents were only required to consider and analyse the cases of Mobile Ticket Collectors and find out if any scheme can be framed by laying down a particular criteria for re-engaging them for casual

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or daily basis. The said direction as would be evident from the order passed by the Hon'ble Supreme Court while disposing of the SLPs against the said order did not cast any obligation on the respondents to frame such a scheme. The Supreme court therefore indicated that the Union of India can examine the matter and it is not possible to frame a scheme record its findings accordingly.

7. As noted hereinabove, the Union of India through its various officers at different level considered the feasibility of drawing a scheme for re-engagement of Mobile Ticket Collectors. The reasons indicated in the various communications annexed alongwith the application filed by the respondents have not been challenged before us nor they could have been challenged in these contempt proceedings. We are, therefore not required to indicate the said reasons nor to analyse the correctness of the said reasons. The respondents were only directed to consider and analyse, thus in a way to consider the feasibility of drawing up a scheme. The respondents have considered the feasibility and have indicated reasons why drawing up of such a scheme was not feasible. In these facts, we are not impressed with the submissions made by the learned counsel for the applicants that the respondents have wilfully disobeyed to draw up a scheme as per the directions given while deciding the various O.As. The contempt petitions lack merit and are accordingly dismissed. Notices issued to the respondents are discharged.

sd/
member (A)

sd/
vice chairman

Dated: January 23, 1995

Uv/

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