

Open Court.

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 28th Day of July 2000.

Coram: Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Original Application No. 584 of 1992.

1. Bhola son of Sri Doodh Nath
r/o village and Post Tikampur,
P.S. Khampar, Distt. Deoria (U.P.)
2. Chhedi son of Sri Deepa,
resident of village Mathdanaur,
P.O. Badaka Gaon,
Police station Khampar,
Distt. Deoria (U.P.)
3. Subhash Pandey s/o Sri Ramji Pandey,
r/o village Dihwan, Post Tikampur,
P.S. Khampar, Tahsil Salempur
Distt. Deoria (U.P.)
4. Achchey Lal s/o Sri Jatan,
r/o village Tikampur,
P.S. Khampar, Tahsil Salempur,
Distt. Deoria (U.P.)
5. Vishwanath son of Sri Jatan,
r/o village and Post Tikampur,
P.S. Khampar, Tahsil Salempur,
Distt. Deoria (U.P.)
6. Ram Naresh s/o Sri Gulthi,
r/o village Mahuwai Post Inquri Bazar,
P.S. Bankata, Tahsil Salempur,
Distt. Deoria (U.P.)
7. Rajendra son of Sri Shiv Prasad,
r/o village Kadauri, Post Baluwan,
Distt. Siwan (Bihar).
8. Chandrika son of Sri Patroo,
r/o village Gaura, Post Bankata,
P.S. Bankata, Tahsil Salempur,
Distt. Deoria (U.P.)

9. Sri Narayan son of Sri Devan,
r/o village Danur Tola, Usara,
Post Sanwareji, P.S. Khampur,
Tahsil Salempur, Distt. Deoria (U.P.)
10. Rama Kant son of Sri Harhangi,
r/o village Danur Tola Usara,
Post Sanwareji, P.S. Khampur,
Tahsil Salempur, Distt. Deoria (U.P.)
11. Sri Om Prakash son of Sri Ram Deo,
r/o village Kadesar,
Post Tikampur, P.S. Khampur,
Tahsil Salempur, Distt. Deoria (U.P.)
12. Rama Shankar son of Sri Sahdeo,
r/o village and Post Badaka Gaon,
P.S. Khampur, Tahsil Salempur,
Distt. Deoria (U.P.)
13. Hari Shankar son of Sri Bhullan,
r/o village and Post Badaka Gaon,
P.S. Khampur, Tahsil Salempur,
Distt. Deoria (U.P.)
14. Manager Prasad son of Sri Ramji Prasad,
r/o village Dihwan, Post Tikampur,
P.S. Khampur, Tahsil Salempur,
Distt. Deoria (U.P.)
15. Sri Vyas Yadav, son of Sri Bhagirathi Yadav,
r/o village Kodara, Post Bisunpur Bajam Maikha,
Tahsil Siwan, Distt. Siwan, (Bihar).
16. Lallan son of Sri Govind,
r/o Rampur Pharas, Post Tikampur,
P.S. Bankata, Tahsil Salempur, Distt. Deoria. (U.P.)
17. Suresh Yadav, son of Sri Ramdeo,
r/o village Dogari Bazar,
Post Dumari Bazar,
Distt. Deoria (U.P.)
18. Ramesh son of Sri Mohan,
resident of village and Post Tikampur,
P.S. Khampur, Tahsil Salempur,
Distt. Deoria (U.P.)

(Signature)

- 3 -

19. Ramdeo son of Sri Laxaman,
r/o village Gaura, Post and P.S. Bankata,
Tahsil Salempur, Distt. Deoria (U.P.)
20. Jai Ram son of Sri Pujan Bhagat,
r/o village and Post Vilashpur,
P.S. Mairva,
Distt. Siwan (Bihar).
21. Hari Shankar Yadav son of Sri Shiv Dhari Yadav,
r/o village Danaur Futman Tolla,
Post Sanwareji, P.S. Khampar,
Tahsil Salempur, Distt. Deoria (U.P.)
22. Manik Chandra son of Sri Baijnath,
r/o village and Post Pyasi Muniya Tolla,
P.S. Bhatani, Tahsil Salempur,
Distt. Deoria (U.P.)
23. Gopal Prasad son of Sri Nand Prasad,
r/o village Rampur Litiha
Post Bhatpar Rani, P.S. Khampar,
Tahsil Salempur, Distt. Deoria (U.P.)
24. Sri Ram son of Sri Bijaee,
r/o village Danaur, Post Sanwareji,
P.S. Khampar, Tahsil Salempur,
Distt. Deoria (U.P.)
25. Munni Lal son of Sri Jivadhan,
r/o village Rajwal, Post and P.S. Bhatani,
Tahsil Salempur, Distt. Deoria (U.P.)
26. Madan son of Sri Ramdeo,
r/o village Tikampar, Post Tikampar,
P.S. Khampar, Tahsil Salempur,
Distt. Deoria (U.P.)
27. Virendra son of Sri Lalji,
r/o village Danaur Tola Usara, Post Sanwareji
P.S. Khampar, Tahsil Salempur,
Distt. Deoria.
28. Sri Vyas Pandey son of Sri Pavahari Pandey,
r/o village Banjariya, Post and P.S. Bankata,
Tahsil Salempur, Distt. Deoria (U.P.)



-4-

29. Madan Yadav son of Sri Phagu,
r/o village Khiriyan, Post Pipara Dixit,
P.S. Bhatani, Tahsil Salempur,
Distt. Deoria (U.P.)
30. Rudal Yadav son of Sri Kanta Yadav,
r/o Kundawali, Lar Road,
Distt. Deoria (U.P.)
31. Lal Muni son of Sri Jeodhan,
r/o village Sewareji, P.S. Khampar,
Tahsil Salempur, Distt. Deoria (U.P.).

... Applicants.

Counsel for the Applicants Sri A.B. Singh, Adv.

Versus

1. Union of India through its General Manager,
N.E. Railway, Gorakhpur.
2. Divisional Railway Manager (D.R.M.) Varanasi.
3. Executive Engineer (Constructions)
N.E.R. Division, Varanasi.

... Respondents.

Counsel for the Respondents: Sri V.K. Goel, Adv.

Order (Open Court)

(By Hon'ble Mr. S. Dayal, A.M.)

This application has been filed for seeking direction to the respondents to regularise the services of the applicants in view of Section 25-B of Industrial Disputes Act in compliance of the directions issued by the Hon'ble High Court and also to appoint the applicants in



-5-

pursuance of the said directions.

2. The applicants have claimed to have worked as Head Khalasis and Khalasis in Siwan Section of the construction work of Broad Gauge Lines in the N.E. Railway on or after 28-12-80 and to have completed 240 days. Applications No. 1 to 33 filed a Writ Petition No. 3133 of 1981 before the Hon'ble High Court Patna. The Writ Petition was allowed and the termination order was quashed. In compliance of the order, the applicants were again re-instated and were given duty on 3.12.82. After a period of one month, the services of the applicants were terminated after giving one months salary on 14.1.83 and to some other applicants on 15.4.1985. The applicants approached the Central Administrative Tribunal, Patna Bench and it is contended that the respondents agreed to consider the matter of regularisation of the services of the applicants in the light of Hon'ble Supreme Court's decisions in the case of Indra Pal Yadav's and Prahlad Singh Vs. Union of India decided in 1985. The applicants claim that the Tribunal directed the respondents to regularise the services of the applicants by order dated 12.4.90.

3. We have heard the arguments of Sri A.B. Singh for the applicants and Sri V.K. Goel for the respondents.

4. As far as the relief claimed under Section 25-B of Industrial Disputes Act is concerned, it is now a settled position of law that such relief

-6-

can not be considered by Central Administrative Tribunal.

5. The applicants have also raised the issue of compliance of directions of the High Court of Patna. The order of the Hon'ble High Court was admittedly passed after considering the matter under Industrial Disputes Act. The learned counsel for the respondents has contended that the judgment was given because the applicants had not been given notice nor compensation money was paid to them at the time of retrenchment and therefore, the judgment of the Hon'ble High Court of Patna was given in favour of the applicants. The respondents complied with this judgment by appointing the applicants who were parties to that Writ Petition and thereafter taking action for retrenchment as per law against those applicants.

6. The learned counsel for the applicants has also raised the question of compliance of the order of Central Administrative Tribunal, Patna Bench in Registration T.A. No. 237 of 1986 dated 12.4.90. He has referred to the undertaking of the respondents contained in the order that they were ready to consider the seniority and regularisation of services of the applicants in the light of Supreme Court's Decision in the case of Indra Pal Yadav and Prahlad Singh's case. The applicants expressed no objection to the undertaking. The Division Bench of Patna Central Administrative Tribunal also passed similar directions for

[Signature]

- 7 -

considering the matter of seniority and regularisation of services of the applicants in the light of Supreme Court's decision in the case of Indra Pal Yadav and Prahlad Singh. The learned counsel for the respondents has mentioned that this direction has also been complied with and the details of compliance have been given in paragraph 10 of the counter reply.

7. The learned counsel for the respondents raised the preliminary objection of maintenance of the application by this bench of Central Administrative Tribunal because the applicants were working in Siwan (Bihar) which was under jurisdiction of Patna Bench. We, however, find from the O.A. that the applicants are now living in Deoria except a few who still are living in Siwan besides the matter relates to Varanasi Division of North Eastern Railway and therefore this preliminary objection is over-ruled.

8. The learned counsel for the respondents has also objected to the relief claimed by the applicants on the ground of limitation. We have already found that the relief claimed by the applicants would lie outside our jurisdiction as the same has been claimed under section 25-B of Industrial Disputes Act.

9. As far as compliance of the order of the Tribunal is concerned, the same has been complied with by including the names of the applicants in

-8-

the Live Register for Casual Labour as per directions of the Apex Court in Indra Pal Yadav's case except in case of applicants at Serial No. 26 and 31 because they had not given the particulars of their service. The applicant No. 24 has already been regularised and there is no surviving cause of action in his case.

10. We find merits in the contentions of learned counsel for the respondents. We hold that the application is not maintainable in so far as it relates to relief under Industrial Disputes Act. As far as compliance of the order of the Tribunal is concerned, the same has already been shown to have been complied with. The application is, therefore, dismissed as having no merits. No order as to costs.

D. Patel
Member (J.)

S. J. S.
Member (A.)

Nafees.