

Central Administrative Tribunal
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 26th day of May, 2000.

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

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

Original Application No. 722 of 1992.

Tilak Singh, Son of Shri Genda Lal,
aged about 31 years, Gram-Balipur
(Tapasya), Post- Farira,
District- Firozabad.

.....Applicants

Counsel for the applicant: Sri A.K. Dave, Adv.

Versus

1. Union of India, through the
General Manager (Personel),
North Eastern Railway,
Gorakhpur.

2. Divisional Railway Manager,
North Eastern Railway,
Izet Nagar.

3. Senior Divisional Commercial
Superintendent, Divisional
Railway Manager's Office,
Izet Nagar.

4. Head Ticket Collector,
North Eastern Railway,
Bareilly City.

.....Respondents

Counsel for the respondents: Sri V.K. Goel, Adv.)

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

O R D E R

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

This application has been filed for setting aside the termination order dated 02.11.84 and issuance of directions to the respondents to give benefits to the applicant of Railway Board letter dated 06.02.90 by re-instating the applicant and regularising his services as Mobile Ticket Collector in terms of the aforesaid circular with all the consequential benefits.

2. The case as narrated by the applicant is that he was engaged as Voluntary/Mobile Booking Clerk. He was posted as Voluntary Ticket Collector. He worked from 20.10.84. Thus he worked for ten days in the year 1984. He claims that he should have been employed under the scheme of Voluntary/Mobile Booking Clerk/Ticket Collector. The scheme had been dis-continued on 17.11.86 by letter of the Railway Board. It is also claimed that the Voluntary/Mobile Booking Clerk/Ticket Collector who had served Railway Board up to 17.11.86 even for seven days had been re-engaged. It is also mentioned that by circular dated 06.02.90, the Railway Board instructed the Railway Authorities to re-engage candidates engaged as Mobile/Booking Clerk and discharged consequent upon discontinuance of this scheme. The applicant approach the respondents several times, but he did not get any relief. He claims benefit on the ground that several others similarly situated applicants approached the Tribunal and had been granted relief.

3. The arguments of Sri V.K. Goel have been heard.

4. We find that the statement of the applicant,

that he was engaged under scheme of Voluntary/ Mobile Booking Clerk as a Voluntary Ticket Collector is a mis-statement. The scheme of Voluntary/Mobile Booking Clerk was not the scheme under which Ticket Collectors had been engaged. Hence Railway Board Circular dated 17.11.87 and 06.02.90 do not apply to the applicant. The circular dated 17.11.86 refers to Voluntary/ Mobile Booking Clerk working on honourarium basis for clearing Summer Rush and orders discontinuation ~~discontinuing~~ of the said scheme and forbids the subordinate authority from appointing anyone under the scheme.

5. The circular of Railway Board dated 06.02.90 clearly shows that it was applicable to Mobile Booking Clerks who were engaged before 17.11.86. The applicant on his own admission worked as Voluntary/ Ticket Collector. Therefore, he is not entitled to benefit under circular dated 17.11.86 and 06.02.90.

6. The applicant worked for ten days in 1984 and file the present Original Application on 22.5.92. The Original Application is clearly time barred.

7. The applicant has claimed the benefit of Original Application No. 793/90 decide on 28.11.91 in this Original Application. A direction has been given to the respondents to consider the claim of the applicants for getting the benefit of Railway Board letter dated 06.02.90. Since we have already held that the applicant was not entitled to the benefit of Railway Board letter, this order of the Tribunal is not applicable to him. This matter was taken to the Apex Court in U.O.I. Vs. Lalji Shukla and Ors ⁱⁿ C.C. 24442 and was decided by the Apex Court on 7.4.94. The apex court held that the directions

was only to consider whether scheme could be framed it was up to the respondents to decide whether such scheme could be framed or not, and it was not obligatory to frame a scheme. Hence this order of the Tribunal gives no benefit to the applicant in this case. The applicant has also cited the judgment of the Apex Court in U.O.I. and Ors. Vs. Balal Ahmad and Ors. in Petition No. 7971-71(A) of 1993, 4995, 2737, 2440-42, 2969-72 and 4626 of 1994 in this order by which the applicants were allowed to continue to work as Volunteers on payment of allowance and were to be considered for Group 'D' post as and when vacancies arose. Since the scheme of engaging Voluntary is no longer in existence, we cannot give such directions now specially in the context of this case.

8. The application is thus found to be without merits and is dismissed.

9. No order as to costs.

Rafiquddin
Member-J


Member-A

/Raza/