

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 7th day of Februry 2000.

Misc. Appl. no. 1579 of 1993
Original Application no. 1188 of 1992.

Hon'ble Mr. S. Dayal, Administrative Member
Hon'ble Mr. Rafiq Uddin, Judicial Member

1. Arun Kumar Pandey,
S/o Sri Ram Pravesh Pandey
R/o 22 A, Rewa Building, Leader Road,
Allahabad.
2. Pawan Kumar, S/o Sri Ro-shan Lal,
Lal Daggi, Mirzapur.

... Applicants.

C/As Sri Sunil Rai

Versus

1. The Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Allahabad.
3. The Senior Divisional Commercial Superintendent, Northern Railway, Allahabad.

.. Respondents.

C/Rs Sri P. Mathur, Shri S.N. Gaur.

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O R D E R

Hon'ble Mr. S. Dayal, Member-A.

This OA had been filed by the applicants for re-engagement as volunteer Ticket Collector or Booking Clerk. The applicant has further prayed to pay the back wages from the date of the applications of the applicants till the date of re-engagement of the applicant.

2. It was decided by this Tribunal on 04.09.92 directing the respondents to consider and analyse the cases of Mobile Ticket Collector and to find out if any scheme can be framed by them by laying down a particular criteria for re-engaging them on casual or daily basis, further direction were given to frame the scheme within a period of 2 months from the date of communication of this order.

3. Respondents had challenged this order in the Apex Court and the Apex Court had held that it was not obligatory on the part of the Railway Board to frame any scheme could be framed. Railway Board had considered and informed that they did not find it feasible to frame any scheme, Hence, this matter stands decided by the Apex Court and Misc. Appl. filed by learned counsel for the respondents to recall or stay the order dated 04.09.1992 in this case does not require any further orders. Misc. Appl. is disposed of accordingly.


Member-J


Member-A

/pc/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH), ALLAHABAD .

Case No. 13/92

13/92

OF 199

Date of decision : 4-9-92

..... Dr. Jagi Shukla Petitioner
..... Shri D.C. Sinha,..... Advocate for the Petitioner.
Versus
..... Mr. Jagi Shukla Respondent
..... Shri D.C. Sinha,..... Advocate for the Respondent (s).

CORAM:-

The Hon'ble Mr. Justice U.C. Sinha, V.C.

The Hon'ble Mr. K. Obayya, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?


Signature

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH.

1. O.A.No. 131 of 1992

Lal Ji ShuklaApplicant.

Versus

Union of India & othersRespondents.

2. O.A.No.173 of 1992

Pradeep Kumar SrivastavaApplicant.

Versus

Union of India & othersRespondents.

3. O.A.No.955 of 1992

Surender Kumar TripathiApplicant.

Versus

Union of India & othersRespondents.

4. O.A.No.1188 of 1992.

Arun Kumar Pandey & othersApplicants.

Versus

Union of India.....Respondents.

5. O.A.No.1189 of 1992.

Satendra Kumar ShahuApplicant

Versus

Union of India & others.....Respondents.

6. O.A.No.826 of 1991

Rafaqat Hussain RizviApplicants.

Versus

Union of IndiaRespondents.

Hon'ble Mr.Justice U.C.Srivastava,V.C.

Hon'ble Mr.K.Obayya,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

As similar questions of fact and law are involved in the aforementioned cases and the reliefs sought for by the applicants are the same, we are going to dispose of these cases in the common judgment.

2. The question which has been raised in these cases is as to whether the Voluntary Ticket Collectors entitled known as Mobile Booking Clerks are also to the benefit of regularisation as has been done in the case of Voluntary/Mobile Booking Clerks.

3. The applicants were engaged as Voluntary Ticket Collectors in the Northern Railway, under the Allahabad Division for few days during the Ardh Kumbh Mela in the year 1982. Some worked for six days, some 7 days and at the most 15 days. It may be that someone may have been asked to work for few days and thereafter also. In the year 1986, a scheme for engaging Voluntary/Mobile Booking Clerks was discontinued which was invoked from before vide Railway Board's letter dated 17.11.86. The letter provided that where ever such arrangements have been made, they should be discontinued forthwith complying with any formalities required or legal requirements. The Board also desired that where engagement of additional hands to meet with spurts in or such rush of work is considered inescapable in further in the exigencies of service, the Railway may adopt one of the following methods depending upon their requirement and local condition.

i) "Redeploy temporarily regular Group 'C' staff rendered surplus and considered suitable for such assignments.

ii) subject to suitability, engage on a purely temporary basis, persons from panel furnished by RRB for regular appointment in Group C posts in

natural justice and Articles 14 and 21 of the Constitution of India. Accordingly, the tribunal quashed the order and directed that these applicants before the tribunal will be treated as temporary employees and their service conditions will be governed by the relevant rules of Railways. The matter again came up for consideration before the Principal Bench of Central Administrative Tribunal in the case of 'Miss Neera Mehta & others Vs. Union of India & others.' (O.A. No. 1174/86 decided on 28.8.87) In those cases, the applicants before the tribunal worked as Mobile Booking Clerks for the period ranging between 1½ years to 5 years i.e. all of them also worked for more than 365 days and their services were terminated by a telegram informing them that they are discharged forthwith. The tribunal after taking into consideration the case of Samir Kumar Mukherjee (Supra) held that

"Once the Railway Board had introduced a scheme of regularisation in respect of the Volunteer / Mobile Booking Clerks and the scheme had in effect continued till 17th November, 1986 with the tacit approval, express or implied, of the Railway Board when they came out with alternative measures for coping with rush of passengers during peak season, restricting the scope of the regularisation scheme to those who were employed prior to 14.8.1981, the so called cut off date when the decision for discontinuing the scheme was taken, but actually not implemented, would be clearly discriminatory, arbitrary and violative of Article 14 of the Constitution. All volunteers / Mobile booking clerks who were engaged on or before 17.11.1986 would be entitled to regularisation of their services on completion of three years of service subject to fulfilment of other conditions as spelt out in circulars dated 21.4.1982 and 20.4.1985."

5. Reference has also been made to another case 'Mahesh Kumar Singh & others Vs. Union of India & others' (O.A. No. 1101/87) and other connected case decided on 23.5.89 in which the tribunal has relied on other two cases and allowed those applications as the facts were somewhat similar. That case was also with reference to Voluntary/ Mobile Booking Clerk and the tribunal followed the decisions in Sameer Kumar Mukherjee and Miss Neera Mehta's case. It is to be noted that in none of these cases, reference was made of Mobile Ticket Collectors. The learned counsel for the applicants has drawn our attention to the case decided by this tribunal in O.A. 793/90 "Atul Kashyap & others Vs. Union of India & others" which was also a case in respect of Mobile Booking Clerk in which we followed the same decision and allowed the relief. In this case, we have been told that in fact, the applicants were Mobile Ticket Collectors but, it appears, this fact was not noted by us and taking them as Mobile Booking Clerks, we delivered the judgment granting the relief in the same terms. We have also been informed that review application against the same is pending. Our attention has been drawn to another decision by this tribunal in 'Surendra Nath Vs. Union of India & others (O.A. No. 50 of 1992)

can also get the same benefit which was given to the Mobile Booking Clerks who worked for more than 180 days. The clear answer is that the benefit of Mobile Booking Clerks who worked for more than 180 days could not be available to those who worked for less than 180 days because they did not attain the temporary status. It is said that some benefit has been given to the Mobile Booking Clerks under the orders of the tribunal who worked for less than 180 days and it appears that the matter was not thrashed out in details as the benefits have been given to the Mobile Booking Clerks and obviously there was no question of asking anyone to take away the benefits but as the Railway Administration also accepted the same and has given the benefits to the Mobile Booking Clerks, it is still open for the Railway Administration to consider the cases of the Mobile Ticket Collectors as that of Mobile Booking Clerk. If they have been re-engaged, the cases of Mobile Ticket Collectors for re-engagement on casual basis or daily basis can always be considered. Accordingly, the respondents are directed 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 on casual or daily basis. Let a scheme be framed within a period of two months from the date of communication of this order. With these observations, the applications stand disposed of. No

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order as to costs

Let copy of this judgment be placed on the files
of O.A.No.173/92, O.A.No.955/92, O.A.No.1188/92,
O.A.No.1189/92 and O.A.No.826 /91.

MEMBER (A)

VICE CHAIRMAN

DATED : SEPTEMBER 04, 1992.

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