

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Contempt Petition No. 2426 of 1993 in
C.A. No. 131/92 along with 14 other Contempt
Petitions

Q.A. No.
T.A. No.

DATE OF DECISION: 23-1-95

Lalji Shukla

PETITIONER

Shri S. K. Mehrotra

ADVOCATE FOR THE
PETITIONER

VERSUS

Union of India & Ors.

RESPONDENTS

Shri B. B. Paul

ADVOCATE FOR THE
RESPONDENTS

COURT

The Hon'ble Mr. Justice B. C. Saksena, V-C.

The Hon'ble Mr. K. Muthukumar A. M.

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

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SIGNATURE

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BNCH,
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.

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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, Karel, 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. Manager's 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

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Versus

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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. Wahi, 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.

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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

11. 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

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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 Dant), 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.

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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 Application 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 A 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.A.s out of which these contempt applications arise, the Tribunal had passed identical orders as in O.A. 134/92 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 ~~occurances~~ in various O.A.s 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.A.s 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 frame 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 along with 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

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 analogy 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.A.s 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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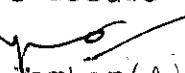
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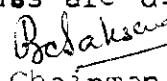
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or daily basis. The said direction as would be evident from the order passed by the Hon'ble Supreme Court while disposing of the SLPs against the said order did not cast any obligation on the respondents to frame such a scheme. The Supreme court therefore 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 petition lacks merit and are accordingly dismissed. Notices issued to the respondents are discharged.


Member (A)


Vice Chairman

Dated: January 23, 1995

Uv/

SUPREME COURT OF INDIA

INTRODUCTION OF PROCEEDINGS

CC.24417

Application for Special Leave to Appeal (Civil) No. (s) /94

From the judgment and order dated 4.9.92

of the ~~REPRODUCED~~ CAT

Allahabad Bench in C.A. Nos. 131, 173, 955, 1188, 1189/92 etc.
Union of India & Ors. Petitioner No. 826/91.

Petitioner 826/91

With IAS No. 1- BPPR, for eAD in filing (ELP) Respondent(s)

Price: 7.494 This/These patient(s) was/were called on for hearing.

Hon'ble Mr. Justice P. B. Seavant
Hon'ble Mr. Justice N. P. Singh

For the petitioner (s) Mr. J. Ramamurthy, Jr. Adv.
Mr. CVS Iago, Adv.

For the respondent (s)

UPON hearing counsel the Court made the following
OPINION:

Delay condoned.

The order only gives a direction to the petitioner to find out if any scheme can be framed. 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 special leave petition is disposed of.

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CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Review Application No: 566 of 1993
In
Original Application No: 58 of 1992

Surendra Nath Ram & others Applicants.

Versus

Union of India & others Respondents.

Hon'ble Mr. K. Obayya, Member-A
Hon'ble Mr. S.N. Prasad, Member-B

(By Hon'ble Mr. S.N. Prasad, Member-B)

This review application has been filed
against the impugned judgement and order dated
7.4.1992 passed by this Tribunal in the aforesaid
O.A. No. 50/92.

2. In the above O.A. No; 50/1992 the
applicants had claimed the benefit of the re-engage-
ment and -regularisation on the basis of the
scheme prepared by the Railway Administration in
compliance with the decision of the Principal
Bench in the case of Neera Mehata Vs. Union of
India and others. The applicants who had worked
as volunteer Ticket Collectors for certain days
during the year, 1986 had claimed the benefit of
their being re-engaged and regularised as that of
Mobile Booking Clerks . After considering the
matter the application of the applicants was allowed
and the respondents were directed to reinstate the
applicants in service and accord them temporary
status after verifying particulars of work of the
applicants and after finding that they had put
in more than 120 days continuous service and also
for regularisation and permanent absorption against
regular vacancy 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.



3. In this review application it has been stated that the judgement of Meera Mehta's case and also the scheme prepared by the Railway Board relates only to Mobile Booking Clerks and not to the Mobile Ticket Collectors. The matter relating to Mobile Ticket Collectors was also considered in the number of cases by the Tribunal & in O.A. No; 131 of 1992 (Lalji Shukla Vs. Union of India & others) which was decided on 4.9.1992 by the Tribunal (by the Bench consisting of Hon'ble Mr. Justice U.C.Srivastava, V.C. and one or us,) wherein, the following direction was given:-

"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."

4. Thus above direction will apply in this case also and under these circumstances, we hold that the applicants of the above O.A. 50/92 will be entitled for the benefits of the scheme to be prepared by the Railway Administration in this regard.

5. Consequently, the impugned judgement and order dated 7.4.1992 passed in the above O.A. No. 50/1992 stands modified to the extent as specified above and this review application No. 566 of 1993 is allowed accordingly.

sd/-

Member (I)

sd/-

Member (A)

Allahabad Bench

11/10/1993
1254
ALLAHABAD

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.

Versus

1. Union of India, through G.M. Northern, Railway Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Allahabad.

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

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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 ~~etc.~~ decided on 28.8.1987 and ^{to the fact} 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 circumstances, 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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Continuous service with all the attendant benefits.

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They shall be considered for regularization 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. 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.

Prepared
C/4/92
Allahabad dated 7th April, 1992.

(RKA)

SD/-
Member (J)

SD/-
Member (A)

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92/3/1992
(SHARAD KUMAR)
SECTION OFFICER
Central Administrative Tribunal
Allahabad.