

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 9th day of May 2000.

Original Application no. 467 of 1993.

Hon'ble Mr. S.K.I. Naqvi, Judicial Member

Hon'ble Mr. M.P. Singh, Administrative Member

Prem Shanker Singh,
S/o Sri G.N. Singh,
R/o Village, Taribpur , P.O. Karmanpur,
Distt. Ballia.

... Applicant

C/A Shri Anand Kumar

Versus

1. Union of India through General Manager,
N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Rly, Sonapur.
3. Sr. Divisional Commercial Superintendent,
(Sr. D.C.S.) N.E. Rly, Sonapur.

... Respondents

C/Rs. Sri P. Mathur
Sri A.K. Gaur

Su

1/2//

ORDER

By Hon'ble Mr. S.K.I Naqvi. J.M.

Sri. P.S Singh has sought for relief to direct the respondents to reengage the applicant as Mobile Booking Clerk and after completion of three years service, regularise him against regular vacancy. It has also been sought to allow ^{the} ~~similar~~ benefits of the judgement of Principal Bench, New Delhi passed in the cases of Nira Mehta and Usha Kumari Anand.

2. The applicant was initially appointed as Part Time Booking Clerk(B.C) on 15.07.83 under Station Master N.E Rly., Dighwara, interms of CCS|Gorakhpur's DO Letter No. C/33/1/O General dated 16.04.83, and worked upto 31.05.84 for 72 days, in broken spells. That some of the Mobile Booking Clerks, who were earlier engaged, and later on, after the termination of their services, approached the C.A.T Principal Bench, New Delhi ~~who~~ ^{which} decided the case in their favour, thereafter, the Railway Administration filed a SLP in the Supreme Court but the Supreme Court dismissed the same. After the said decision by the Hon'ble Supreme Court, the Railway Administration issued a circular dated 06.02.1990 which was forwarded to all the General Manager for directions and its compliance. In the said circular, it was mentioned that all those Mobile Booking Clerks who were appointed upto 17.11.1986, may be considered for obsorbtion in regular employment against regular vacancies as and when they approach the Railway Administration. After getting the knowledge about said circular, ^{regarding the} re-engagement as Part Time Booking Clerk, ^{he} He also made representation in this regard but with no result. It is also stated by the applicant that the respondents have engaged, the juniors, who have

SK

//3//

worked for lesser Number of days but similar benefits have been denied to the applicant, hence this OA.

3. The respondents have contested the case and filed Counter Reply, and pleaded that the applicant is not entitled for regularisation of his service as Booking Clerk because he was not engaged under the scheme of Railway Board.

4. Heard, the learned counsel for the rival contesting parties and perused the record.

5. The controversy in the matter stands very much settled after the decision by the Hon'ble Apex Court in SLP Nos 906-908, in which the order of the Tribunal was set aside and the appeals were disposed of with the direction given in the case of Usha Kumari Anand, in which the respondents were directed to examine the case of applicant in accordance with direction contained in para 37-38 of the Tribunal's Judgement in that matter.

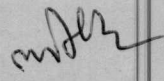
6. In Usha Kumari Anand and Others Vs UOI and Others cited in ATR 1989(2) C.A.T 37, ^{the} Central Administrative Tribunal Principal Bench, New Delhi, thrashed the matter at length and after examining the facts and circumstances as well as rules in this regard and also the decisions by the Hon'ble Apex Court have settled the position with the direction as contained in para 37 and 38 of the order in which the ratio in Nira Mehta's case was ^{(1988) 2 CAT 121} followed. We find the finding in referred case, are fully applicable to the present matter, and the same was also accepted in OA No. 510 of 1993, decided by this Bench

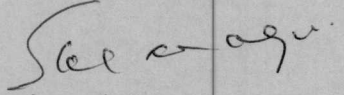
//4//

on 10.03.97.

7. For the above. We accordingly dispose of this OA with the direction to the respondents to examine the case of the applicant in accordance with the directions contained in para 37 and 38 of the Tribunal's decision in the case of Usha Kumar?Anand (Supra).

No order as to Cost.


Member (A)


Member (J)

/m.k.s/