

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1358/1994

WEDNESDAY, THIS THE 24TH DAY OF APRIL, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

1. Somara (S.T.),  
S/o Sri Timora,  
Fitter Gr. III, T.No.B/128.
2. Tulsi (ST), S/o Sri Kanne,  
Fitter Grade III, T.No.B/137.
3. Sukalu Ram, S/o Sri Mahangu,  
Striker Grade III, T.No.B/49.
4. Nayan Murayan (ST), S/o Sri Chhote,  
Grider, B/129.
5. Amirullah, S/o Sri Mohammad Ramajan,  
Rivector, T.No.B/56.
6. Abdul Rashid, S/o Mohd. Hanif Riveet,  
T.No.B/122.
7. Vijay Prasad, S/o Sri Panna Lal,  
Rivetter, T.No.B/135.
8. Durga Singh, S/o S.S. Singh,  
Khalasi Helper, T.No.B/135.
9. Santosh Adhikari, S/o Sri K.C. Adhikari,  
Fitter Grade II, T.N.B/108.
10. Jamalluddin, S/o Sri Murtaja Fireman,  
G.No.B/151.
11. G.S. Prashad, S/o late Sahadeo Ram,  
Fireman T.No.B/125.
12. Upendra Ojha, S/o Sri Deva Nand Ojha,  
Fireman, T.N.B/119.
13. Ram Breach (SC), S/o Sri Shiv Datt,  
Fireman T.No.B/64.
14. Anand Mohan, S/o Sri Jago Mahato,  
H/man, T.No.B/23.
15. Ajai Ahamed, S/o Sri Khalil,  
H/man, T.No.B/117.
16. Prabhu Narain, S/o Sri Hari Narain,  
H/man, T.No.B/120.
17. R.P. Srivastava, S/o Sri Bishwanath Lal,  
H/man, T.N.B/118.
18. Ram Chandra Ram, S/o Sri Ram Surat,  
Turner, T.N.B/121. ... Applicants

*[Signature]* ...2..

19. K.N. Sharma, S/o Sri Moti Lal Sharma,  
Kh/Helper T.No.B/130.
20. J.N. Singh, S/o Sri Kapil Deo Singh,  
Kh. Helper, T.N.B/22.
21. Seva Lal, S/o Sri Ram Surat,  
Kh.Helper, T.No.B/22.
22. Rajendra Prasad, S/o Sri Hari Prasad,  
PNT/Operator, T.N.B/124.
23. Kashi Prasad, S/o Sri Mithai Lal,  
Tintail, T.N.B/53.
24. Lallan Ram, S/o Sri Malagu,  
Khalasi/Helper, T.N.B/132.
25. Mani Ram, S/o Sri Chand,  
Kh.Helper, T.No.B/134.
26. Kamallesh Pandey, S/o Sri Deshu Pandey,  
Khalasi Helper, T.No.B/141.
27. Raghu Rai Prasad, S/o Sri Mahadeo,  
Kh.Helper, T.N.B/54.

All working under respondents in Plant Dept.  
Flash Butt Welding Plant,  
Eastern Railway, Moghalsarai,  
Varanasi. ... Applicants

(By Advocates S/Shri R.P. Singh  
and A.K. Singh - absent)

Versus

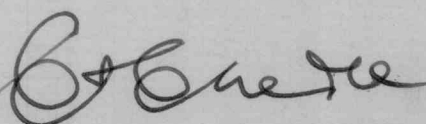
1. Union of India, through  
Divisional Railway Manager,  
Eastern Railway, Moghal Sarai,  
Varanasi.
2. Assistant Personnel Officer (Plant Depot),  
Eastern Railway, Moghalsarai,  
Varanasi.
3. Chief Works Manager (Plant Depot),  
Eastern Railway, Moghal Sarai,  
Varanasi. ... Respondents

(By Advocate Shri A.K. Gaur)

O R D E R

Hon'ble Mr. C.S. Chadha, Member (A):

Vide this O.A., the 27 applicants have challenged the  
validity of the impugned order dated 12.8.1994, passed by the

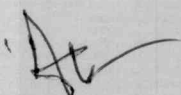


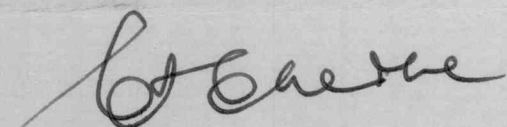
...3..

Chief Works Manager, Plant Depot, Eastern Railway, Moghal Sarai, By the impugned order the applicants were informed that in pursuance of the judgment of the C.A.T., Allahabad, dated 23.2.1994, they were given options to continue in FBWP, in terms of the conditions laid down in the order of the Tribunal, passed in O.A. No.1311/1993. In accordance with the directions of the Tribunal, the applicants were asked to fill up their option forms. Out of the 27 applicants 23 returned the undertaking/option forms unfilled. They were again given an option vide letter dated 27.5.1994, Annexure-CA-2, in which it was clearly mentioned that if the option is not exercised in the prescribed form within 10 days, it will be assumed that <sup>they are</sup> ~~you~~ are ready to face the consequences by continuing in FBWP against the work charge posts. This 2nd letter was dated 27.5.1994 and the order was ultimately passed nearly 3 months after, i.e., on 17.8.1994. The applicants have sought quashing of this order without giving any cogent reason for doing so. They merely say that such conditions cannot be imposed upon them.

2. We find that these conditions were laid down in the order of the Tribunal which they accepted without any demur. Therefore, they cannot challenge the order passed in pursuance of the order of the Tribunal, Keeping in mind the conditions which the Tribunal deemed to be fit.

3. In the circumstances above, there are no merits in the O.A. The O.A. is dismissed. There shall be no order as to costs.

  
MEMBER (J)

  
MEMBER (A)