

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH,
A L L A H A B A D

Dated :Allahabad this the ..¹⁵ day of Nov^{ber}.1996.

CORAM : Hon'ble Mr. T. L. Verma, Member-A
Hon'ble Mr. S. Dayal, Member-A

Original Application No. 1642 of 1994.

Arvind Kumar aged about 32 years,
son of Sri C.D.Kumar resident of
662-A, Loco Colony, 9, Marg, Allahabad...applicant.
(BY COUNSEL SRI S. C. BUSHWAR & SRI SATYA VIJAY)

Versus

1. Union of India
through the General Manager (P),
Northern Railway Headquarters, Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M. Office, Nawab
Yusuf Road, Allahabad.
4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.Respondents.
(THROUGH COUNSEL SRI B.B.PAUL)

CONNECTED WITH

I. O.A.No. 1643 of 1994

Atul Kashyap, aged about 28 years,
son of Sri N.S. Kashyap, resident of
671-D, Smith Road, Railway Colony,
Allahabad.applicant

(THROUGH COUNSEL SRI S.C. BUDHWAR & SRI SATYA VIJAY)

Versus

1. Union of India,
through the General Manager (P),
Northern Railway, Headquarters Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M. Office, Nawab
Yusuf Road, Allahabad.
4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.

.....Respondents.

(THROUGH COUNSEL SRI B. B. PAUL)

W - I - T - HE

O.A. NO. 1644 of 1994.

Sailendra Kumar Sriwas aged about 29 years, s/o. Sri Ram Sewak Sriwas, R/o. 97/234, Jayantipur, Preetam Nagar, Sulemsarai Allahabad....applicant.
(THROUGH COUNSEL SRI S.C.BUDHWAR & SRI SATYA VIJAY)

VERSES

1. Union of India, through the General Manger (P),
Northern Railway Headquarters Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway D.RM.Office, Nawab Yusuf Road,
Allahabad.
4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager, Northern Railway,
Allahabad Station,
District Allahabad.

.....Respondents.

(THROUGH COUNSEL SRI B.B.PAUL)

WI TH

Original Application No. 1645 of 1994.

Sri Jai Narain, aged about 33 years,
son of Sri Ram Das,
Resident of 2/92-A,
Rama Nand Nagar, Allahpur,
Allahabad.applicant to
(THROUGH SRI S.C.BUDHWAR AND SRI SATYA VIJAY)

VERSUS

1. Union of India,
through the General Manager (P),
Northern Railway, Headquarters, Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road,
Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway D.R.M. Office, Nawab
Yusuf Road, Allahabad.
4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.
.....respondents.
(THROUGH COUNSEL SRI B.B. PAUL)

W I T H

ORIGINAL APPLICATION NO. 1646 of 1994.

R.K.Abbhi aged about 29 years,
son of Sri G.S.Abbhi, resident of
656, D.Loco Colony, Allahabad.....applicant.
(THROUGH SRI S.C.BUDHWAR & SRI SATYA VIJAY)

VERSUS

1. Union of India,
through the General Manager (P),
Northern Railway, Headquarters Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M. Office, Nawab Yusuf
Road, Allahabad.
4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.

.....Respondents

(THROUGH COUNSEL SRI B.B.PAUL)

W I TH

ORIGINAL APPLICATION NO. 1647 of 1994.

Harish Chandra Yadav, aged about 20
years, s/o. Sri Kallu Ram, resident of
794, Railway Colony, Chaufataka, Distt.
Allahabad. Applicant.
(THROUGH SRI S.C.BUDHWAR & SRI SATYA VIJAY)

VERSS

1. Union of India,
through the General Manager (P)?
Northern Railway Headquarters Office,
Baroda House, New Delhi.
 2. Divisional Railway Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.
 3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road,
Allahabad.
 4. Senior Divisional Personal Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
 5. Divisional Commercial Manager,
Northern Railway,
Nawab Yusuf Road, Allahabad.
 6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.
-Respondents.
(THROUGH SRI B.B.PAUL)

W I T H

ORIGINAL APPLICATION NO. 1648 of 1994.

Shiv Prasad Shukla, aged about 31
years, son of Sri Ram Dularey Shukla,
Resident of 59, Old Allahpur,
Allahabad.Applicant.
(THROUGH SRI S.C.BUDHWAR & SRI SATYA VIJAY)

VERSUS

1. Union of India,
through the General Manager (P),
Northern Railway, Headquarters,
Office, Baroda House, New Delhi.
 2. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road, Allahabad.
 3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road, Allahabad.
 4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
 5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
 6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.
-Respondents
(THROUGH SRI B.B. PAUL)

W I TH

ORIGINAL APPLICATION NO. 1649 of 1994.

Lalit Mohan Dubey aged about 28 years,
son of Shri Madan Mohan Dubey resident of
201, Pura Baldi Kydganj, Distt. Allahabad.

(THROUGH SRI S.C.BUDHWAR & SRI SĀTĪYĀ VIJAY)^{Applicant.}

VERSUS

1. Union of India,
through the General Manager (P),
Northern Railway Headquarters, Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M. Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M. Office, Nawab
Yusuf Road, Allahabad.
4. senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.

.....Respondents.

(THROUGH SRI B.B.PAUL)

W I T H

ORIGINAL APPLICATION NO. 1650 of 1994.

Rajneesh Kumar Singh, son of
Sri Heera Mani Prasad Singh,
R/o. 178, Mahhajpur, Allahabad, City,
Allahabad. ...applicant.
(THROUGH SRI S.C.BUDHWAR & SRI SATYA VIJAY)

VERSUS

1. Union of India,
through the General Manager (P),
Northern Railway, Headquarters, Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, D.R.M.Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M.Office, Nawab Yusuf
Road, Allahabad.
4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager,
Northern Railway, Allahabad Station,
Allahabad.

.....Respondents.

(THROUGH SRI B.B.PAUL)

W I T H

ORIGINAL APPLICATION NO. 1651 of 1994.

Om Prakash Shukla aged about 29 years,
son of Sri Thakur Prasad Shukla resident of
Village Basaunhi P.O. Manjhanpur (Korro)
District AllahabadApplicant.

(THROUGH SRI S.C. BUDHWAR & SRI SATYA VIJAY)

VERSUS

1. Union of India through the
General Manager (P), Northern
Railway Headquarters Office,
Baroda House Office, New Delhi.
 2. Divisional Railway Manager,
Northern Railway, D.R. M Office,
Nawab Yusuf Road, Allahabad.
 3. Senior Divisional Commercial Manager,
Northern Railway, D.R. M Office,
Nawab Yusuf Road, Allahabad.
 4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
 5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf
Road, Allahabad.
 6. Station Manager,
Northern Railway, Allahabad Station,
District Allahabad.
-Respondents.

(THROUGH SRI B.B. PAUL)

AND ALONGWITH

ORIGINAL APPLICATION NO. 1652 of 1994.

Brijesh Kumar Singh aged about 26 years,
son of Sri Raj Dev Singh, resident of
B-161C, Kareilly Scheme,
Allahabad.Applicant.

(THROUGH SRI S.C.BUDHWAR AND SRI SATYA VIJAY)

VERSUS

1. Union of India through the
General Manager (P),
Northern Railway Headquarters Office,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway D.R.M. Office,
Nawab Yusuf Road, Allahabad.
3. Senior Divisional Commercial Manager,
Northern Railway, D.R.M. Office, Nawab Yusuf
Road, Allahabad.
4. Senior Divisional Personnel Officer,
Northern Railway, Nawab Yusuf Road,
Allahabad.
5. Divisional Commercial Manager,
Northern Railway, Nawab Yusuf Road,
Allahabad.
6. Station Manager,
Northern Railway, Allahabad Station,
Distt. Allahabad.

.....respondents.

(THROUGH SRI B.B.PAUL)

O _ R _ D _ E _ R

(By Hon'ble Mr. T. L. Verma, JM)

The above O.As., which involve common questions of law and facts have been heard together and are being disposed of by this common order.

2. The applicants in all these O.As. have worked^{as} voluntarily /Mobile Ticket Collector in the Railways for various periods prior to 17.11.1986. In pursuance of the directions issued by a bench of the Administrative Tribunal, Principal Bench, New Delhi in Neera Mehta's case reported in A.T.R. 1991(1) page 380, issued circular dated 6.2.1990 to all the Zonal Managers of the Railways to consider absorption in regular employment, against regular vacancies, of Mobile Booking Clerks who were engaged as such before 17.11.1986 and 20.8.1985. The applicants also sought regularisation of their service on the basis of the aforesaid circular. The requests of the applicants, was not granted. The applicants, therefore, approached this Tribunal by filing O.A.No.793 of 1990 (Atul Kashyap & others Vs. Union of India & others) for issuing a direction to the respondents to extend the benefit of the said circular dated 6.2.1990 to the applicants also. The said O.A. was disposed of by order dated 21.11.1986 with the direction to the respondents to consider the claim of the applicants for getting the benefit of Railway Board's letter dated 6.2.1990. When the respondents failed to comply with the aforesaid order, a Contempt Application No. 159 of 1992 was filed. Contempt Petition was

disposed of by order dated 28.1.1992. The Tribunal while clarifying the order passed in O.As. No.793 of 1990 observed that 'if it be so, Railway Department give the appointment of Mobile Ticket Collectors in pursuance of the judgment and order dated 20.11.1991 within three weeks thereof'. Thereafter letters appointing them as Mobile Ticket Collectors were issued in compliance with the directions issued in O.A.No.793 of 1990 and CCP No.159 of 1992. They were worked as such continuously until their services were discontinued by impugned order dated 30.9.1994. These applications have been filed for quashing the aforesaid orders and for issuing a direction to the respondents to extend the benefit of the temporary status alongwith C.P.C.Scale to the applicants after completion of 120 days of continuous service and to treat them as temporary Railway Servants and pay salary and other allowances as are admissible to similarly placed Railway & employees.

3. The respondents have appeared and contested the claim of the applicants. In the counter-affidavit filed on behalf of the respondents, it has been stated that the applicants had worked for 10 days only and that the period of 10 days is not enough to confer any legal right on them. The further case of the respondents is that Railway Board's letter dated 6.2.1990 does not apply to the category of Voluntary Mobile Ticket Collector to category to which the applicants belong. Besides the above, the applicants and a number of other candidates, whose request for being given the benefit of Railway Board's circular

dated 6.2.1990 was not accepted, filed O. A.Nos.131, 173, 955, 1188, 1189 of 1992 and O.A.No. 826 of 1991. In the aforesaid O.As. a direction was given to the respondents to find out, if any, scheme can be framed for absorption and regularisation of the Mobile Ticket Collectors against permanent jobs. The respondents moved the Hon'ble Supreme Court by filing Special Leave Petition. The Special Leave Petition was disposed of with the observations that "there is no obligation ^{cast} ~~caused~~ by impugned order that the scheme should be framed in any case. After the decision of the Hon'ble Supreme Court, in the aforesaid Special Leave Petition, the respondents considered ^{whether} ~~that~~ framing of such scheme is ~~not~~ ^{and} feasible. ~~After-~~ ^{decided that} such a scheme cannot be framed. After the said decision, the impugned order informing the applicants that they are ~~not~~ more entitled to continue in service on the post of Voluntary Mobile Ticket Collector, ^{as ~~was~~ issued} and accordingly their services were discontinued with effect from the date of the order. The Mobile Ticket Collectors aggrieved by the aforesaid order of the respondents filed a number of cases. A bunch of 73 ^{of} cases, leading case of which was O.A. No. 83 of 1992, was heard and disposed of by a bench comprising of Hon'ble Vice-Chairman and Mr. K. Muthukumar, ^{Administrative Member,} by order dated 9.12.1994. In these cases, the bench has held ~~the view~~ ^{that} the voluntary Mobile Collectors and Mobile ^{Booking} Ticket ~~Collectors~~ Clerks are two different categories and that instructions issued by Railway Board by letter dated 6.2.1990 are applicable to the category of Mobile ^{Booking} Ticket Clerks and ^{that} the Voluntary Ticket Collectors are not

entitled to the benefit of the same and accordingly dismissed the O.A. as devoid of merits.

4. The first case in which the controversy regarding regularisation of Voluntary Ticket Collectors came ^{up for consideration} ~~to~~ ~~force~~ is Sameer Kumar Mukherjee Vs. General Manager, Eastern Railway and others, reported in A.T.R. 1986(2) CAT 7. The applicants in the said case were engaged as Voluntary Ticket Collectors to assist the Railway ticket checking staff for a short period and then their employment was extended from time to time with the result that they served continuously without any break for more than 365 days. They were, however, dis-engaged by order dated 16.12.1985 with effect from 30/31.1.1986. They challenged the order dis-engaging them by filing OA No. 10 of 1986. The order dated 16.12.1985 dis-engaging the applicant was quashed and the respondents were directed to treat the applicants as temporary employees.

5. The next case in which the controversy involving the Mobile ^{Booking Clerks} ~~Ticket Collectors~~ came up for consideration was Neera Mehra & others Vs. Union of India and others, decided by Principal Bench of Central Administrative Tribunal reported in A.T.R. 1989(1) page 380. The petitioners in that O.A. filed ^{an} ~~the~~ application U/s. 19 of the Administrative Tribunals Act, 1985 challenging their termination order as Mobile Booking Clerks with effect from 12.12.1986. The O.A. was allowed and the orders terminating the services of the applicants ^{were} ~~was~~

16.

quashed by the Principal Bench with a direction to the respondents to reinstate the applicants irrespective of period of service put in by them and direction regarding conferring temporary status on those who had put in continuous service of 120 days was also issued. The respondents were also directed to consider the applicants for regularisation and permanent absorption in accordance with the provisions of the Scheme.

6. Similarly Miss. Usha Kumari Anand and others, who had worked as Mobile Booking Clerks for various period prior to 17.11.1986, filed several O.As., leading case whereof was O.A.No.1376 of 1987. These O.As. were also allowed and directions in the line ~~with~~ of Neera Mehta's case were issued. While deciding these O.As. the Tribunal has relied on the decision of the Calcutta Bench of the Administrative Tribunal in Sameer Kumar Mukherjee Vs. General Manager, Eastern Railway and others reported in A.T.R. 1986(2) A.T.C. Page 7. Relying on the decision of Sameer Kumar Mukherjee's case the learned counsel for the applicants submitted that the nature and the circumstances of appointment of both the voluntary Ticket Collectors and Mobile Booking Clerks being the same, the Voluntary Ticket Collectors also were entitled to the same benefits which have provided to Mobile Booking Clerks in terms of instructions contained in letter dated 6.2.1990.

7. Shri S.C. Budhwar, appearing for the applicants, ^{has} filed copy of the order rendered by Hon'ble Supreme Court in Civil Appeal arising out of S.L.P.(C) Nos. 14756-61 of 1993, 11631 of 1994 / Pradeep Kumar and 20114 of 1993 (Union of India & ors Vs. / Srivastava and others. The Supreme Court by the said judgment has set-aside the order passed by a bench of this Tribunal in O.A. No. 479 of 1993.

8. O.A.No.479 of 1993 is one of the cases which has been dismissed by a bench of this Tribunal wherein it has been held that the Mobile Booking Clerks and the Voluntary Ticket Collectors belong to two different categories and that the benefit of Railway Board's circular dated 6.2.1990 is available to Mobile Booking Clerks ^{only} and that Voluntary Ticket Collector are not entitled to the benefit of the same. The Hon'ble Supreme Court has reversed the above finding by setting aside the order of the Tribunal. As we have already noticed above ~~that~~ in Usha Kumari Anand's case reliance has been placed on the decision of Sameer Kumar Mukherjee which pertain to Voluntary Ticket Collectors. The Hon'ble Supreme Court in the order whereby the judgment of this Tribunal in O.A.No.479 of 1993 has been ~~xx~~ set-aside has held that the appeals are disposed of with the direction given in the case of Usha Kumari Anand and the respondents were directed to examine the case of the appellants ~~xx~~ in accordance with the directions contained in paras 37 and 38 of the Tribunal's judgment in

that matter. The case of the applicants in these O.As. is similar to that of the O.A.No.479 of 1993. Hence the controversy whether the Voluntary Ticket Collectors are entitled to the benefit of the instructions issued by the Railway Board in their letter dated 6.2.1990 is available to the Voluntary Ticket Collectors or not, stands settled in the aforesaid case. The Hon'ble Supreme Court, thus, by setting aside the judgment of this Tribunal in O.A.No.479 of 1993 and by issuing a direction to the respondents to examine the case of the applicants in accordance with the directions contained in para 37 and 38 of Usha Kumari Anand's case put a stamp of approval to the ^{law laid down} in Samir Kumar Mukherjee's case. Therefore, there is nothing more for this Tribunal to ~~be~~ adjudicated in these applications.

9. The applicants of all these original Applications are, therefore, entitled to the benefit of the decision of Hon'ble Supreme Court referred to above. These applications therefore, will abide by the decision of Hon'ble Supreme Court in Civil Appeal referred to above. A copy of this order be placed in the records of all the cases. There will be no order as to costs.


Member-A Member-J

(Pandey)