

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

This the 24TH DAY OF FEBRUARY, 1997

Original Application No. 1242 of 1995

HON.MR.JUSTICE B.C.SAKSENA, V.C.

HON.MR.D.S.BAWEJA, MEMBER(A)

1. Dinesh Kumar Srivastava, s/o Shri Jagadamba Sahai, r/o 24, Turkmanpur, Gorakhpur
2. Ajay Kumar Singh, s/o Shri Kailashpati Singh, r/o Humayunpur Uttari, Gorakhpur.
3. Tej Narain Singh, s/o late J.N. Singh r/o village & Post Nachaap, Distt. Saaran
4. Ram Ashrey Prasad, s/o late Sadhu Saran Singh, r/o Humayunpur Uttari, Gorakhpur.
5. Jagdish Singh, s/o Shri Sita Ram Singh, r/o village Kola, Post Badari Bazar Matni, Deoria.
6. Ram Jatan Singh, s/o Shri Shobhit Singh r/o village Chainpur, Post Goraul district Vaishali
7. Rajeshwar Shukla, s/o late Dharam Dutt Shukla, r/o Ram Janki Nagar, Basarapatpur, Gorakhpur.
8. Kailash Singh, s/o Shri Ram Pyare Singh r/o Krishna Nagar, Private colony, H. No. 414, Basarapatpur, Gorakhpur.
9. H.P. Mishra, S/o Shri Gauri Misra, r/o village Tadvariya, Post Mehdabai, Basti.
10. Kamta Prasad Singh, s/o Shri Jagannath Singh, r/o village Mavan Tola-Sitab Diyara Post Jai Prakash Nagar, Ballia
11. Chotey Lal Pandey, s/o Shri Ram Chandra Pandey, r/o H. No. 575, Adarsh Nagar Basarapatpur, Gorakhpur.
12. Ram Ratan Prasad, s/o Shri Ram Harakh r/o Guru Nagar-Jagat Bela, district Vaishali.
13. Ram Iqbal Singh, s/o Shri Ram Sakal Singh r/o village Kataroo, Post Goraul district Vaishali.
14. Rama Kant Dubey, s/o Shri Dharni Dhar Dubey r/o village Chandausa, Post Badhuva, Faizabad
15. Yashodanand Srivastava, s/o Shri Murli Dhar Srivastava. r/o Lachhipur, Post Sadar district Gorakhpur.

16. Bharat Prasad, s/o Shri Raj dev Yadav
r/o Adarsh Nagar, Post Basarapatpur
Gorakhpur.
17. Shatrughan Prasad Pandey, s/o Shri Tribhuvan
Dutt Pandey, r/o Mohanapur Padari
Bazar, Gorakhpur.
18. Rameshwar Singh, s/o Shri Ram Bahadur
Singh, r/o village & Post Chhatai Khajani
Gorakhpur.
19. Rama Kant Yadav, s/o Shri Ram Adhar Yadav
r/o Jatepur Uttar-Mansa Bag, Gorakhpur.
20. Ram Milan, s/o Shri Ram Chandra Pandey
r/o Khemajitpur-Moti Garpur
Sultanpur.
21. Ram Vachan, s/o Shri Balli, r/o village
and Post Gharmouli, distt. Maharajganj
22. Mukul Kumar Srivastava, s/o Shri Nibal Kumar
Srivastava, r/o Ramdantpur, post Sadar, Gorakhpur.
23. Rajesh Kumar Singh, s/o Shri Babulal Singh
r/o village Manjhariya Post Chhatai, Gorakhpur.
24. Rameshwar Singh, s/o Shri Jagannath Singh,
r/o Mavantola, Sitaab Diyar, post Jai
Prakash Nagar, Ballia.
25. Brijesh Kumar Singh, s/o Shri Indresh Singh
r/o village Manjhariya, Post Chhatai
Gorakhpur.
26. Girjesh pal, s/o Shri Ram Naval Pal
r/o village Teduwa, Post Lalganj, Basti
27. Sunil Kumar Singh, s/o Ram Raksha Singh
r/o village Mairopur, Post Basgaon
Gorakhpur.
28. Vinod Shukla, s/o Shri Girija Shanker Shukla
r/o Jawahar Chak-Nausadh, Gorakhpur.
29. Azhar Khan, s/o Shri Safayat Husain Khan
Village & Post Balepur, Deoria
30. Balvant Kumar Sahi, s/o late Prasidh
Narain Sahi, r/o village & Post Riyana, Gorakhpur.
31. Mahipal Singh, s/o Shri Ram singh. r/o
Tetariya/ Sariya Tewari, Gorakhpur.
32. Sanjay Kumar Singh, s/o Shri Doodh nath Singh
r/o Ram Janki Nagar, Basarapatpur, Gorakhpur.
33. Atul Kumar Srivastava, s/o Shri Nihal Kumar
Srivastava, r/o Ramduttpur, Gorakhpur.
34. Smt. Urmila Devi, w/o Shri Babu lal Singh
r/o Om Nagar Colony, Basarapatpur, Gorakhpur.

35. Ram Adhar Singh, s/o Shri Harihar Singh
r/o village Kothwa, Post Mahuwa Murapur
Azamgarh.
36. Pati rakhan, s/o Shri Parmeshwar, r/o
village Jhadirampur, post Malwa
Fatehpur.
37. Pramod Kumar Singh, s/o Shri Ram Chandra Singh
r/o village & Post Shivpur Diyar,
Nai Basti(Vyasi), Ballia
38. Raghupati Singh, s/o Shri Temeshwar Singh, r/o
Khamariya Babu, Post Haraiya, Gorakhpur.
39. Parush ram Sahi, s/o late Kodai Sahi
r/o village Sihai Japar, Post Sihaijaipar
Gorakhpur.
40. Subedar Singh, s/o Shri Laxmi Singh, r/o
Village Rajipur, Post Dohariya Bazar
Gorakhpur.
41. Satyendra Kumar Singh, s/o Shri Udaibhan
Singh, r/o 596, Krishna Nagar Private
Colony Basaratpur, Gorakhpur.
42. Akhileshwar Singh, s/o Shri Tej narain Singh
r/o village and post Nachaap, Chapra Bihar
43. Direndra Kumar Srivastava, s/o Shri Shambhu Saran
Singh, r/o village Bhairopur, Post
Bansgaon, Gorakhpur.
44. Rajendra Prasad Mishra, s/o Shri Ram Housila Mishra
r/o village Sodhipur(Mampur), Post
Lambuwa, Sultanpur.
45. Yashwant Sahi, s/o Shri Ramji Sahi
r/oB-16, New Avas Vikas Colony
Betiya Hata, Gorakhpur.
46. Abhay Kumar Rao, s/o Shri Bhairo Dayal rao
r/o village & Post Brijbatiya
Champaran(Bihar)
47. Nar Singh Pal, s/o late Ayodhya Pal, r/o
village Mitauri, Post Parsaao, Basti
48. Vishwanath, s/o Shri Chinak, r/o village
Jungle Jarlaha Urf Teuhiya Post
Vaida Maharajganj
49. Shatrughan Prasad Singh, s/o Shri Agni
Prasad Singh, r/o 174-A Dairy Colony
Gorakhpur.
50. Shiv Nath, s/o Shri Bhinak, r/o village
Jungle Jarlaha Post Vaida Maharajganj
51. Raj Kumar s/o Shri Nokh Lal, r/o village
& Post Purani Panapur, Patna(Bihar)
52. Vijai Bahadur Singh s/o Shri Mata Saran Singh
r/o village & Post Churiya Deoria

53. Abhai Nath Sharma, s/o Shri Panna Lal Sharma r/o Mohan kothiya, Post Digbai, Chhapra
54. Suresh Mani Tripathi s/o Shri Baijnath Mani Tripathi, r/o village & Post Barpar, Deoria
55. Silip Kumar s/o Late Lallu Prasad, r/o Nizampur Post Gita Press, Gorakhpur.

... Applicants.

BY ADVOCATE SHRI ASHOK BHUSHAN

1. Union of India through Secretary Railway, New Delhi.
2. Chairman, Railway Board, Rail Bhawan New Delhi
3. General Manager, North Eastern Railway Gorakhpur.
4. Chief Personnel Officer, North Eastern Railway, Gorakhpur.
5. Chief Mechanical Engineer, North Eastern Railway Gorakhpur.

... Respondents

BY ADVOCATE SHRI V.K. GOEL

O R D E R(Oral)

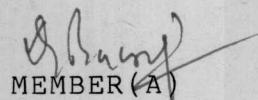
JUSTICE B.C.SAKSENA, V.C.

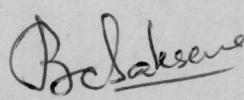
On behalf of the respondents the counter affidavit was filed. Time to file rejoinder affidavit had been granted, but since the rejoinder was not filed within time by the order passed on 15.1.97 the applicant was stopped from filing rejoinder. The matter has come up for admission today.

2. Shri V.K. Goel learned counsel for the respondents invited our attention to a Supreme court decision copy of which has been annexed as Annexure C.A. 1 alongwith the counter affidavit. The question considered by the Hon'ble Supreme court in the said decision was wholly identical to the question raised in the present O.A. The applicants who are working as Ministerial and Class IV employees in the Mechanical Department Primary Co-operative Bank Ltd, North Eastern Railway, Gorakhpur have through the O.A. claimed that they should be treated as regular railway servants.

For this the applicants have placed reliance on a decision of the C.A.T Hyderabad and the Madras Bench of the C.A.T. Both these decisions have been considered by the Hon'ble Supreme court and have been held not to be laying down correct law. The Hon'ble Supreme court in the said decision has held that in view of the provisions of the Co-Operative societies Act under which the societies have been registered does not ~~provide~~ clothe the employees working in the Co-Operative Societies with the status of regular railway servants.

3. In view of the above the O.A. lacks merit and is dismissed accordingly.


MEMBER (A)


VICE CHAIRMAN

Dated: 24th Feb: 1997

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