

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 14th day of September, 2000

Original Application No.965 of 1995

District : Varanasi Cantt

CORAM :-

Hon'ble Mr. Rafiuddin, J.M.

Hon'ble Mr. S. Biswas, A.M.

1. Ashwani Kumar Choubey  
S/o Shri Amala Choubey,  
R/o T/36-D, Old Loco Colony,  
Varanasi Cantt.
2. Sanjeev Nigam S/o Shri Bhagwati Prasad Nigam,  
R/o Qtr No. 229/B, New Loco Colony,  
Varanasi Cantt.

(Sri Rakesh Verma, Advocate)

..... Applicant  
Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Lucknow.

(Sri AK Gaur, Advocate)

..... Respondents

O R D E R (U\_r\_a\_l)

By Hon'ble Mr. Rafiuddin, J.M.

The applicants claiming themselves to be the sons of Railway employees have filed this OA for a direction to the respondents to consider their case for appointment on any suitable post under loyal quota and also for a direction to dispose of the representation dated 18-4-1994 by a reasoned order.

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2. In brief the fact of the case is that in the year, 1974 when Railway employees went on strike, the father of applicant no.1 was working as a Constable in the Railway Protection Force (R.P.F.) and was posted at Varanasi and has retired from service w.e.f. 31-7-92. The father of the applicant no.2 was working as Electric Lineman. On 8-1-1974 the Railway Administration was paralysed as a result of Railway employees strike. On the appeal of the then Prime Minister and the then ~~Railway~~ Railway Minister and the respondents <sup>R</sup>~~appealed~~ the All India SC/ST Employees Union, Northern Railway, Allahabad to come forward to break the strike with the clear understanding that the Railway will provide employment on suitable job to sons of all those employees, who will not support the strike. An agreement between the Union and the respondents was entered and one of the conditions was that preference will be given to the children of the Railway employees who will work during the strike period. On the basis of this assurance, the fathers of the applicants opposed the strike and continued to work during the strike. After the strike was called off, then the Railway Minister made a statement in the Parliament that the Government would award the employees who worked during the strike period and sons of those who had not participated in the strike and performed their duties during the strike will be given appointment on suitable post shortly. The applicants claim that on the basis of the statement by the respondents and the settlement arrived at between the Association and the Respondents, the Respondents are bound to provide job to the children of the employees who opposed the strike. The applicants also claim that employment was given to the children of such employees,

whose names have been disclosed in the OA. Since the applicants were minors in the year, 1974, therefore, it was not possible for the respondents to provide them appointment under loyal quota. Since now they have become major, therefore, the Railway should fulfil their commitments by providing them employment under suitable post.

3. We have heard counsel for both sides and perused the record carefully.

4. The claim of the applicants has been denied by the respondents by stating that the the claim is grossly time barred because cause of action arose in the year, 1974. It has also been claimed that the appointment of sons and children of loyal quota came to an end on 30-9-1976. The concession granted to the Railway employees was one time measure which was not extended after 30-9-1976. We find force in the contention of the respondents because the employment of the dependents and children of Railway servants was one time measure and the scheme was finalised before 30-9-1976. Since admittedly the applicants were minor at the relevant time, they could not get the benefit of the scheme. Since the scheme is not a part of any rule or instruction and was one time measure, the UA is grossly time barred and the same is dismissed accordingly with no order as to costs.

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