

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 09th day of February, 2004.

Original Application No. 1023 of 2002.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. D.R. Tiwari, Member- A.

1. Mohd. Ali S/• Sri Mohd. Hasnain,  
R/• Vill. Tajpur, P.O Dildar Nagar, Ghazipur.
2. Vijay Kumar Sharma S/• Sri Kishan Lal Sharma  
R/• 229/187, Bhusauli Tola, Khuldabad, Allahabad.
3. Shree Ram S/• Sri Lalji, R/• 6/7, West Khusaru Bagh  
Road, Lukerganj, Allahabad.
4. Kamlesh Kumar S/• Sri Nathu Jaiswal  
R/• Vill and Post- Goraju, Tehsil- Manjhanpur,  
Distt. Kaushambi.
5. Wajid Ali S/• Sri Mukharram Ali  
R/• 71, Akberpur, Allahabad

All are the Helpers of permanent Venders of  
Railway Station, Allahabad Jn.

.....Applicants

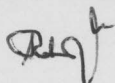
Counsel for the applicants :- Sri N.A. Khan

V E R S U S

1. Union of India through Secretary,  
M/• Railways, Rail Bhawan, New Delhi.
2. General Manager, Northern Railway,  
Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railway,  
Allahabad Division, Allahabad.
4. Catering Inspector, Northern Railway,  
Allahabad Railway Jn. Station, Allahabad.

.....Respondents

Counsel for the respondents :- Sri A.K. Gaur



O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

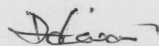
The applicants, it is alleged, were working as Helpers with the Permanent Vendors at Platform No. 1 in Snacks Bar at Allahabad Railway Station. They have instituted this O.A under section 19 of Administrative Tribunals Act, 1985 for quashing the order contained in annexure- 1 which is in the nature of parawise comments on the representations submitted by the applicants pursuant to the direction given by the Tribunal vide order dated 24.05.2001 in O.A No.684/01 Mohd. Ali and others Vs. U.O.I and others. In the impugned order it has been ascertained that the Railways have not concerned about the engagement of the Helpers who are infact engaged by the Vendors of Departmental Catering/Vending unit on their own terms and conditions to assist them whenever necessary. Helpers, according to the impugned order, do not come under the administrative control of the Railways and the Railways do not maintain any record of their attendance etc. Vendors, according to the impugned order, are engaged on commission basis. The commission being a certain percentage of sale of food stuff at the Railway Stations. However, it is conceded that the Helpers are permitted to assist the Departmental Vendors after medical examination for which examination fee are paid by the Helpers themselves. The grievance of the applicants herein is that on the basis of the order impugned herein, the Railway administration has declined to issue medical certificate for issuance of which a prayer was made in the representation even though the Departmental Vendors are willing to take work/assistance from the applicants. In the order impugned however, it is stated that the Departmental Vendors have been allowed to keep one Assistant named as Helper at their own cost.

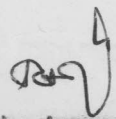
2. The applicants, <sup>have</sup> albeit prayed for issuance of writ, <sub>quashing</sub> order or direction in the nature of certiorari/the order

*Party*

passed by the respondent No. 3 in the nature of parawise comments (annexure-1) and for issuance of a direction to the respondents to retain the applicants as Helpers and to make payment of their wages. But during the course of arguments counsel for the applicants has prayed that the Railway Administration to direct the direction may be given to/Commission Vendors to engage the applicants as Helpers for the reason that the engagement as Helpers depends on the willingness of the Commission Vendors to take work/assistance from the applicants but no such direction can be issued for the reason that the applicants are not directly employed under the Railways nor any direction can be given to the Commission Vendors. Learned counsel for the applicants further submits that even though the Commission/Departmental Vendors are willing to take work from the applicants but the Railway administration is not issuing the medical certificates on the basis of which alone the applicants could be permitted to work as Helpers with the Commission/Departmental Vendors.

3. In the facts and circumstances, we are of the view that it would meet the ends of justice if we dispose of the O.A with direction to the DRM, Northern Railway, Allahabad (Respondent No. 3) <sup>to</sup> ~~shall~~ ensure issuance of medical certificate in favour of those applicants whose assistance/help may be required by the Commission/Departmental Vendors subject, of course to fulfilment of prescribed medical standard. This exercise may be done within a period of one month from the date of communication of this order. The O.A stands disposed of with no order as to costs.

  
Member- A.

  
Vice-Chairman.

/Anand/