

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.177 OF 2003  
ALLAHABAD THIS THE 3RD MARCH,2003

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE-CHAIRMAN

1. Chandrama S/o Bechan Ram.
2. Ram Adhar S/o Raj Kumar.
3. Ghurhu Prasad S/o Bhukhalu.
4. Phulchand S/o Sattan.
5. Rajesh Yadav S/o Shiv Tahal.
6. Tulsi Ram/ S/o Sabran.
7. Uma Prasad S/o Sarju Parsad.
8. Yogendra S/o Bishwanath.
9. Kripashanker S/o Harihar.
10. Munna S/o Gopal.
11. Jatashanker S/o Harihar.
12. Permanand S/o Kishore.
13. Rajesh Kumar S/o Jagropan.
14. Laxman S/o Sita Ram,
15. Kaushal S/o Khushehal.
16. Kamta S/o Murat.
17. Rachandra S/o Ramjee.
18. Babulal S/o Sri Ram.
19. Shyamalal S/o Sri Ram.
20. Balkaran S/o Ramu.
21. Paras Nath S/o Sukhram.
22. Kailash Prasad S/o Kashi.
23. Kailash Prasad S/o Kashi Prasad.
24. Ashok Kumar S/o Arjun Prasad.
25. Deolal S/o Bhoju
26. Bhullan S/o Bishnath.
27. Suresh Chandra S/o Bijay Tewari.
28. Raju S/o Bai Nath.
29. Mantu S/o Debi Dutt.

30. Ram Singar S/o Pheku.
31. Ashok S/o Shiv Murat Tewari.
32. Ram Chandra S/o Ramdhani.
33. Upendra S/o Anurodh Singh.
34. Panchu S/o Ganga
35. Ramjanam S/o Pakhandu.
36. Suraj Kumar S/o Purau.
37. Rajendra S/o Ram Subhag.
38. Bachhelal S/o Not Known.
39. Bashistha S/o Chandra Deo.
40. Ram Bilash S/o Siv Murat.
41. Raj Kumar S/o Khushehal.
42. Babulal S/o Shiv Murat.
43. Mandu S/o Shobhnath.
44. Ramchandra S/o Hari.
45. Radhey Shyam Pal S/o Ramjee Pal.
46. Bijay S/o Gulab.
47. Dharmchandra Gupta S/o Ganesh.
48. Rajesh Tewari S/o Pyare Tewari.
49. Bachhe lal S/o Bishwanath.
50. Dalsingar S/o Pheku.
51. Ram Bali S/o Ram Dhowal.
52. Ghurhu Pal S/o Bhukhalu
53. Raj Nath S/o Baldeo

Employed as Helper U/Catering Inspector  
East Central Railway,  
E.C. Rly. Mughalsarai,  
District-Chandauli.

.....Applicants

(By Advocate Shri S.K. Dey & Shri S.K. Mishra)

Versus

1. Union of India  
through the General Manager E.C. Rly.,  
Hajipur, Bihar.



2. The Chief Commercial Manager (Catering E.C. Rly),  
Hajipur, Bihar.

3. The Sr. Divisional Commercial Manager,  
E.C. Rly., Mughalsarai,  
District U.P.

.....Respondents

(By Advocate Shri K.P. Singh)

O R D E R

By this O.A. filed under section 19 of Administrative Tribunals Act, 1985, the applicants have challenged the order dated 24.12.2001 (Annexure-3) by which claim of the applicants for engagement as Group-IV employees has been rejected.

2. The case of the applicants ~~is~~ that they were engaged by Railways as Helper to Commission Vendor. They have worked for long years and they are entitled to be absorbed as Group 'D' employee. Before filing ~~of~~ this O.A. applicants have filed O.A. No.989/98 which was disposed of by order dated 10.08.2001 directing the respondents to consider the representation of the applicants and pass suitable order within a period of three months. In pursuance of the aforesaid order the representation has been considered and decided by impugned order dated 24.12.2001. The learned counsel for the applicant tried to justify the claim of the applicants on two grounds. Firstly, <sup>on basis</sup> ~~about which~~ of Medical Examination in the impugned order dated 24.12.2001, it has been said that the medical ~~was~~ necessary to ascertain that such helpers do not suffer with any communicable disease as they deal in selling food. The second ground is that order (Annexure-3) was passed by Railways who is controlling the working of the applicants.

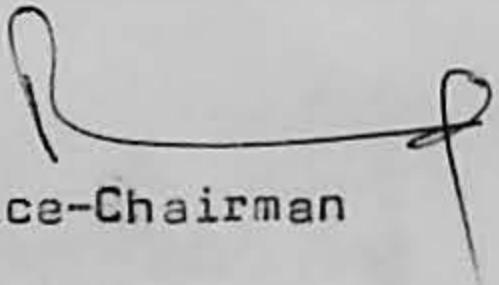
3. I have considered both the grounds and I find that



they are not sufficient to create relationship of master and servant between Railways and applicants. For purpose of maintaining discipline and peace at the Railway Station, such orders may be passed, in this regard. If Commission Vendors engage helpers, they may not be treated to have been employed by Railways. I do not find any other material on record to show that Railways ever entered into any such exercise of selection for recruitment of any such employee.

4. The O.A. has no merit and is accordingly dismissed.

5. There will be no order as to costs.



Vice-Chairman

Neelam/