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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 257 OF 1988

Date of decision: November 15, 1991

Debraj Nayak and Others : Applicants

Versus

Union of India and others : Respondents.

For the applicant : M/s. B. Harichandan,
Niranjan Mohanty,
Advocates.

For the Respondents : M/s. Bijan Pal and
O.N. Ghosh,
~~Senior~~ Standing
Counsel (Railway)

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C O R A M:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN

A N D

THE HONOURABLE MR. J.C. ROY, MEMBER (ADMN.)

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? *NO*
3. Whether Their Lordships Wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioners pray for a direction to the Opposite Parties for absorbing them progressively in the permanent Catering Service of the South Eastern Railway and make them regular since 1976 with retrospective effect and to make them entitled to the arrear financial emoluments.

2. Shortly stated, the case of the petitioners (69) in number) is that they are Commission Venders who are working in different Railway Stations of the South Eastern Railways. According to the petitioners there is a need of the passengers to have their food from different caterers and though the petitioners have worked in the station ^{for} years together they have not been regularised and therefore, this application has been filed with the aforesaid prayer.

3. There is no necessity of stating the details of the case. It would suffice if a portion of the counter at paragraph - 8 is quoted.

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4. There was no appearance from the side of the Petitioners. Hence we have perused the averment and the pleadings of the parties and we have also perused the relevant documents forming subject matter of the records, with the assistance of Mr. B. Pal learned Senior Standing Counsel appearing for the Railway Administration. We have also heard Mr. Pal on the merits of the case.

5. At paragraph-8 of the counter, it is stated as follows:

"However, the Railway authorities have taken all steps as a matter of policy to absorb the Commission Bearers and Commission Vendors in accordance with the Rules framed in that regard by the Railway Board".

6. In the above quoted portion of paragraph 8 of the counter it is clear that the Railways have taken the policy decision to absorb according to the Rules prescribed by the Railway Board. In such circumstances, there is no further relief to be granted to the Petitioners. As regards the claim of the petitioners for being absorbed retrospectively, it may be said that Mr. Pal has filed a copy of the Railway Board's letter No.84/T.G.III/639/SC/Pt.II dated 14.10.1987 issued to the General Manager, All India Railways stating that the vendors and Bearers

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so absorbed in the Railway catering service shall be entitled to salary as from the date of their absorption and needless to be stated that the circulars issued by the Railway Board **have** statutory force. Therefore, in such circumstances, we are unable to grant any further relief to the Petitioners of this case.

7. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

.....15.11.91.....
MEMBER (ADMINISTRATIVE)

.....15.11.91.....
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack, K. Mohanty,
15.11.91.