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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 411 OF 1991
Cuttack, this the 2nd day of April, 1997

Sri Bhaskar Sahu Applicant

Vrs.

Union of India and others Respondents

(FOR INSTRUCTIONS)

- 1) Whether it be referred to the Reporters or not?
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

Km
(K.M. AGARWAL)
CHAIRMAN

S.SQM
(S.SQM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 411 OF 1991
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CORAM:

HONOURABLE SRI JUSTICE K.M. AGARWAL, CHAIRMAN
AND
HONOURABLE SRI S.SOM, VICE-CHAIRMAN

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Bhaskar Sahu,
aged about 34 years,
son of late Lingaraj Sahu,
Village-Belapada, Post-Badatota,
District-Puri

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Applicant

-versus-

1. Union of India, represented through its General Manager, S.E.Railway, At-Garden Reach, Calcutta.
2. Divisional Railway Manager (P), South Eastern Railway, Khurda Road, District-Puri.
3. Senior Divisional Personnel Officer, S.E.Railway, Khurda Road, District-Puri.
4. Loco Foreman, South Eastern Railway, Khurda Road, Dist-Puri
5. Union of India, represented through its Secretary, Ministry of Railways, Central Secretariat, New Delhi

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Respondents.

Advocates for applicant - M/s B.N.Rath,
S.N.Mohapatra,
S.K.Ghosh,
K.R.Mohapatra & J.N.Rath

Advocate for respondents - M/s B.Pal & O.N.Ghosh.

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O R D E R (ORAL)

HON'BLE SRI JUSTICE K.M. AGARWAL, CHAIRMAN

This is an application under Section 19 of the Administrative Tribunals Act, 1985, with a prayer to direct the respondents to absorb the applicant as a regular Railway employee under respondent no.1 and to treat him hereafter as a regular Railway employee.

2. It is alleged by the applicant that he was in service of the Locoshed Staff Canteen, Khurda, for a period of eighteen years, as a Karigar. That Canteen was managed on co-operative basis by the Executive Committee consisting of nine elected members. He represented to the Railway authorities to absorb him as a Railway employee and accordingly, to regularise his services. In that representation, he referred to the cases of three other persons who were earlier employed in the Canteen and were subsequently absorbed in the year 1983. The representation was not accepted and therefore, this application for the said relief has been filed. At the outset, we wanted to know from the learned counsel for the applicant as to how this Tribunal has the jurisdiction to decide the question raised in this application, particularly when the applicant is not a Railway servant or a servant of the Central Government. We could not get satisfactory reply. The very fact that he applied for absorption shows that he himself was not treating himself to be a Railway employee and wanted himself to be treated as such by the Railway authorities by making representation in that regard. Further, in paragraph 22 of the judgment in

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Union of India (Railway Board) and others v. J.V.Subhaiah and others

A.I.R. 1996 S.C.2890, the Supreme Court said that the officers, employees and servants appointed by the Railway Co-operative Stores/ Societies cannot be treated on par with Railway servants under paragraph 10B of the Railway Establishment Code nor they can be given parity of status, promotions, scales of pay, increments, etc. Under these circumstances, we are of the view that we cannot entertain or decide the dispute raised by the applicant in this application.

3. In the result, this application fails and is hereby dismissed, but without any order as to costs.

Jm

(K.M. AGARWAL)
CHAIRMAN

Sonam Singh
(S.SGM)
VICE-CHAIRMAN

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