

क.प्र.म. (प्रक्रिया) नियमावली के नियम 22 के अन्तर्गत विः शुल्क 5/-  
CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH

I/5  
O.A. NO. 238, 239 and 240 of 2007  
JODHPUR : THIS THE 19TH DAY OF SEPTEMBER, 2007.

CORAM:

Hon'ble Mr. Kuldeep Singh, Vice Chairman,  
Hon'ble Mr. Taresem Lal, Administrative Member

Shankar Lal S/o Shri Moda Ram aged about 33 years, Ex. Parcel Porter,  
North Western Railway, Sri Sudsar, Bikaner Division, Bikaner, R/o VPO  
Sud sar, District Bikaner.

.....Applicant of OA No. 238/2006.

Jakir Hussain S/o Shri Ali Mohammed aged about 35 years, Ex. Parcel  
Porter, North Western Railway, Bikaner Division, R/o Fad Bazar, Bikaner.

.....Applicant of OA No. 239/2006.

Birbal Ram S/o Shri Pitha Ram aged about 37 years, Ex. Parcel Porter,  
North Western Railway, Shri Dungargarh Division, Bikaner Division R/o  
Ward No. 13, Post Office Shri Dungargarh District Bikaner.

.....Applicant of OA No. 240/2006.

Mr. Y.K.Sharma, Advocate, present for the applicants.

versus



Union of India through the General Manager,  
North Western Railway, Jaipur.

Divisional Personnel Officer, North Western Railway,  
Bikaner.

ORDER(ORAL)  
BY THE COURT

COMPARED &  
CHECKED

In all the three Applications, which have been moved under Sec.

19 of the Administrative Tribunals Act, 1985 are based on the identical  
facts, cause of action and the relief(s), therefore, they are being  
disposed of by this common order. The applicants have claimed the  
following relief :

"That this Hon'ble Tribunal may kindly be pleased to direct to the respondents that similar benefits may be extended to the applicants and direction being given to the authorized concerned to scrutinise all the records of the applicant and appoint on the post of Parcel Porters with all consequential benefits in the verdicts of judgment delivered by Principal Bench of this Tribunal in OA No. 199 of 2003 decided on 23<sup>rd</sup> Jan. 2004."



2. Applicants were appointed as Parcel Porter and completed more than 120 days continuous service on the same job without any break and have attained temporary status by operation of law, as is stated in the pleadings. It is averred in the OAs that respondents terminated their services without assigning any reason despite the fact that their juniors who were appointed later, are still working. It has been argued that in 1999 some posts of Parcel Ports had been created for considering regularizing such persons working under different Divisions. The respondent No. 2 issued a seniority list wherein applicants were not included.
3. The learned counsel claims that keeping in view the judgment of Hon'ble Supreme Court in **A.I. Railway Parcel & Goods Porters Union Vs. Union of India and Ors.** reported in 2003 (6) SCALE 774 and the order passed by the Principal Bench in OA No. 199 of 2004 – **Ramavtar and Others Vs. UOI & Another**, the present O.As be also disposed of. In this view of the matter, we are inclined to dispose of these applications

by directing the respondents to dispose of the representation of applicants on the same lines by doing the same exercise in the case of the applicants herein and to carry out the required inquiry and verification as ordered by the Hon'ble Supreme Court as per law. Ordered accordingly. If any grievance survives thereafter, the applicants would be at liberty to approach this Tribunal.

With the above direction, the present O.As are disposed of at e: of admission without issuing notice to the respondents.

Sd/-  
[ Tarsem Lal ]  
Member [ ]

Sd/-  
[ Kuldip Singh ]  
Vice Chairman

CERTIFIED TRUE COPY  
Dated 227.9102

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बनुमत अधिकारी (कानून)  
Section Officer (Judicial)  
फैसलीय प्रासादानक अधिकारण  
Central Administrative Tribunal  
जोधपुर न्यायालय, जोधपुर  
Jodhpur Bench. Jodhpur.

Part A and B destroyed  
in my presence on 04-6-14  
under the supervision of  
Section Officer as per  
order dated 26-3-14

Section officer (Record)

04-6-14  
26-3-14