

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

D.A.No.176/95

Thursday, this the 29th day of February, 1996.

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. All India Station Masters Association, (Regd.No.1359) through TN Venkateswaran, Its Divisional Secretary, Trivandrum Division, Station Master, Vadakkanchery Railway Station, residing at 'Mangudi' Mulloorkara-680 583.
2. S Sasikumar, Station Master, Grade III, Trivandrum Central Railway Station, Trivandrum. - Applicants

By Advocate Mr TC Govindaswamy

Vs.

1. Union of India through the Secretary, Ministry of Railways, Rail Bhavan, New Delhi.
2. The Chairman, Railway Board, Rail Bhavan, New Delhi.
3. The General Manager, Southern Railway, Madras-3.
4. The Divisional Railway Manager, Southern Railway, Divisional Office, Guntakkal.
5. The Divisional Personnel Officer, Southern Railway, Trivandrum-14.
6. PP Ahmed Kabir, Station Master, Grade II, Piravam Road Railway Station, Piravam Road. - Respondents

By Advocate Mrs Sumathi Dandapani (for R.1 to 5)

By Advocate Mr MC Cherian(for R-6)

The application having been heard on 29.2.96 the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

This is an application filed by the 'All India Station Masters' Association' and one Sasikumar. Virtually, these applicants are fighting the battle for the applicant in O.A-1583/94. The prayer in this application is the same as the prayer in O.A.1583/94.

2. Collective bargaining or representative action recognised in the Industrial Disputes Act, is not recognised in the parlance of service jurisprudence, where the cause of action is between the employer and the employee. Even assuming that certain groups can join as party to proceedings, it can only be with the leave of the Tribunal under Rule 4(5) (b) of the Central Administrative Tribunal(Procedure) Rules.

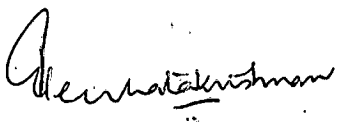
3. Again a question may arise, whether a rule can create 'locus standi' not contemplated by the substantive legislation. The fact remains that not even leave has been obtained in this case. Counsel for applicants was unable to tell us the number of the Miscellaneous Application by which leave was sought or order obtained thereon. We find none in the file.

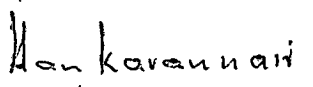
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4. It has also come to our notice that unions come in a representative capacity, suffer adverse decisions and thereafter members try to escape resjudicata disowning their affiliation. One example is O.A.2197/93. Applicant No.2 Sasikumar who is only a Grade III Station Master is not shown to have any interest in the subject matter of litigation. These are attempts to abuse the process of the Court and such cannot be countenanced.

5. We dismiss the application with costs of Rs.500.00 (Rupees Five Hundred) payable in equal parts by the two applicants to counsel for respondents 1 to 5.

Dated, the 29th day of February, 1996.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

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