

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.270/2000

Wednesday this the 30th day of August, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. V.K. MAJOTRA, ADMINISTRATIVE MEMBER

1. B.Sivanandan, S/o K.Bahuleyan,
Manager, Southern Railway Employees
Cooperative Society, No.Q.143, Quilon,
residing at Kanna Veedu, Mathilil PO,
Kollam.
2. J.Rajan, S/o Janardhanan Pillai,
Salesman, Southern Railway Employees
Cooperative Society No.Q.143,
Kollam, residing at Ayyapila Veedu,
Vettoor, PO.Varkala.
3. M.Babukuttan Nair, S/o Bhanumathi Amma,
Salesman, Southern Railway Employees
Cooperative Society No.Q.143, Kollam,
residing at Sreevalsom, Kuzhiyam Thekku
Chandanathope, Kollam.
4. Titus P.K. S/o P.G.Koshy Vaidhyan,
Clerk, Southern Railway,
Employees Cooperative Society No.Q.143,
Kollam, residing at Palavila Mercy
Cottage, Thekkevila PO, Kollam. ...Applicants

(By Advocate Mr. P.Ramakrishnan)

v.

1. Union of India, represented by
the Secretary, Ministry of Railway,s
New Delhi.
2. The Chief Personnel Officer,
Southern Railway,
Headquarters Office,
Chennai.
3. The Southern Railway Employees
Cooperative Society No.Q.143,
Quilon, represented by its
President.

(By Advocate Mrs. Sumati Dandapani for R.1&2)

The application having been heard on 30.8.2000, the
Tribunal on the same day delivered the following:

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HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicants who are employees of the
Railway Employees Cooperative Society, Quilon have
filed this application for a direction to the

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respondents to treat the applicants as Railway servants and to give them the pay scales applicable to regular Railway employees w.e.f. 1.7.90 extending to them the benefit of the Judgment of the Madras Bench of the Central Administrative Tribunal in O.A.305/88 which has been affirmed by the Hon'ble Supreme Court in Civil Appeal No.2932/91. It is alleged that the claim of the applicants before the Tribunal who were persons similarly situated like the applicants for being treated at par with the regular Railway employees have been accepted by the Tribunal and upheld by the Apex Court and therefore, there is no justification in the respondents denying the benefit to the applicants who are identically situated. It has further been alleged that when the order of the Madras Bench of the Tribunal was not implemented some of the applicants moved the Tribunal for action under the Contempt of Courts Act, that against the order passed in the matter, the Hon'ble Supreme Court has by its order in Civil Appeal Nos.2492 and 2493 of 1998 reiterated, the position.

2. The respondents in their reply statement interalia, contend that the Hon'ble Supreme Court in Union of India and others Vs. Southern Railway Employees Cooperative Workers Union reported in (1996) 2 SCC 258 held that the employees appointed by the Railway Cooperative Stores/Society cannot be treated on par with Railway servants under paragraph 10-B of the Indian Railway Establishment Code and that they cannot be given parity of status, promotion, scale of pay etc. as ordered by the Central Administrative Tribunal, Hyderabad Bench.

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3. Therefore, in view of the ruling of the Hon'ble Supreme Court the respondents contend that the respondents have no right to claim the reliefs.

4. Shri P.Ramakrishnan, learned counsel of the applicant argued that the decision of the Hon'ble Supreme Court relied on by the respondents was considered in the orders of the Hon'ble Supreme Court in Civil Appeal Nos.2492 and 2493/1998 which is a later order. Therefore, the contention that in view of the decision of the Hon'ble Supreme Court in (1996) 2 SCC 258 the applicants are not entitled to claim the reliefs cannot stand.

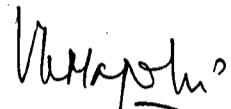
5. We have gone through the three orders of the Hon'ble Supreme Court. In the order in Civil Appeal No.2492 and 2493 of 1998 the Apex Court held that the decision in (1996) 2 SCC 248 will not apply to that case as the order of the Madras Bench of the Tribunal had already been upheld by the Hon'ble Supreme Court in its order in Civil Appeal No.2932/91. Since the order of the Hon'ble Supreme Court reported in (1996) 2 SCC 258 is later in point compared to the order in Civil Appeal No.2932/91 we are of the considered view that the decision reported in (1996) 2 SCC 258 holds the field. In view of the declaration of the Apex Court that employees appointed in the Railway Cooperative Stores/Societies cannot be treated as Railway servants for pay scale, promotion etc. we are of the considered view that the applicants are not entitled to get the

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reliefs as prayed for in this application.

6. The application fails and the same is dismissed leaving the parties to bear their own costs.

Dated the 30th day of August, 2000



V.K. MAJOTRA
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

s.