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CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI BENCH.

.....

C.A. No. 263 of 1987

Vijai Kumar Mishra and others ... Applicants.

Versus

Union of India and others Respondents.

AND

C.A. No. 233 of 1990

Sumiran Ghosh and others ... Applicant.

Versus

Union of India and others. ... Respondents.

AND

C.A. No. 314 of 1990

Rajeshwari Prasad and others Applicants.

Versus

Union of India and others ... Respondents.

Mon. Mr. Justice U.C. Prasad, V.C.
Mon. Mr. A.D. Gorthi, Member (A)

(By Hon. Mr. A.D. Gorthi, Member (A))

In all the three applications, facts stated are almost identical except for minor variations of dates, and the questions of law raised and the pleas taken are identical. ^{are} Therefore, deciding all the three applications by means of this common judgment.

2. 27 applicants in C.A. No. 263 of 1990, 2 applicants in C.A. No. 233 of 1990 and 11 applicants in C.A. No. 314 of 1990 are all those who were employed as Volunteer Ticket Checkers/ Ticket Collectors in the same manner as used to be done by the Railways in the case of Mobile Booking Clerks. They all worked for

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various periods, after which their services were terminated. Their representations for being absorbed in the Railways were rejected.

3. Several applications of similar nature pertaining to Mobile Booking Clerks, Volunteer Ticket Checkers/ Ticket Collectors have been decided in the past by the Tribunal. In this context reference has been made to the Tribunal's decisions in the case of Neera Mehta Vs. Union of India, A.T.R. 1939 (1) C.A. 380 and cases of Miss Usha Kurari Anand and several others (the leading case being C.A. No. 1376 of 1987) decided by the Principal Bench of the Tribunal. It was held ^{in those cases} that in the interest of justice all of them deserved to be ^{re-}instated in service irrespective of the period of service put in by them. Those who have put in continuous service of more than 120 days were found to be eligible to ^{attain} 'Temporary Status' with all the attendant benefits. It was also held that they should be considered for regularisation and permanent absorption in accordance with the provisions of the scheme introduced by the Railways for the said purpose.

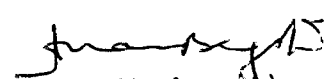
4. On behalf of the respondents, it was ~~extraneously~~ contended that ^{number} adequate opportunity of posts may not be available to absorb all the applicants. It is difficult for us to ascertain ^{number} whether adequate opportunity of posts are available or not. However, the respondents have the responsibility of taking back the applicants in service whether immediately or in due course.


5. Accordingly, we direct the respondents to consider the case of each of the applicants and reinstate them against available vacancies. Those who cannot be

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reinstated for want of vacancies, shall be considered for employment against future vacancies. A record, in this regard will be maintained by the respondents. We, ^{therefore,} direct that the respondents shall ^{confirm} temporary status ^{of} such of the applicants who complete 4 months continuous service. They would also be entitled to be considered for regularisation in accordance with the extant policy. We, however, make it clear that the period from the date of termination of their services to the date of their reinstatement will not be treated as duty nor will the applicants be entitled to any back wages.

6. The applications are disposed of with the above observations. Parties to bear their own costs.


Member(n)


Vice-Chairman

Dated: 27.01.1992

(n.u.)