

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

Original Application No. 120/2011

This, the 29th day of March, 2012

Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Hon'ble Sri S.P. Singh, Member (A)

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1. Ram Deo Singh aged about 50 years son of Sri C.K.Singh, residing at Mohalla Imalia Gurdyal (Vindhyaawasni Nagar) Bargaon, Gonda- posted as Mobile Booking Clerk, Lucknow Jn. N.E.Railway, Charbagh, Lucknow (U.P.).

Vide Order 2.
dt 29.4.13
2. Syed Amir Ali aged about 51 years son of Sri Hamid Ali residing at Imambara, Near Chhawani Masjid, Faizabad Road, Gonda Posted as Mobile Booking Clerk, Gonda Jn. N.E. Railway, Gonda (U.P.).

Applicants

By Advocate: Sri A.K.Dixit

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1. Union of India through the General Manager, North Eastern Railway, Head Quarter, Gorakhpur.
2. Divisional Rail Manager, North Eastern Railway, Lucknow.
3. Senior Divisional Personnel Officer, Office of DRM, North Eastern Railway, lucknow.

Respondents.

By Advocate: Sri Rajendra Singh

ORDER (Dictated in Open Court)

By Hon'ble Mr. Justice Alok Kumar Singh , Member (J)

As the pleadings are complete in this case and on the request of the applicants, final arguments were heard with the consent of learned counsel for respondents and this O.A. is being disposed in the following manner:-

2. The case of the applicants is that they were engaged and worked on the posts of Mobile Booking Clerk (in short MBC) in N.E. Railway in broken periods prior to 17.11.86. The applicant No.1 was engaged on 24.5.83 and applicant No. 2 was engaged on 14.8.83. On 6.2.1990, the Railway Board decided by way of policy decision that such MBCs may be re-engaged as and when they approach Railway Administration for this purpose. It was also decided that their cases for absorption in regular employment may be considered after they complete three years of service as MBC. Such policy decision was subsequently clarified by several

circulars but the basic concept was for grant of temporary status and process of screening. In furtherance of the aforesaid direction of the Railway Board, it was decided to accord temporary status to such MBCs, who had completed 120 days of continuous service. Accordingly both the applicants were given temporary status w.e.f. 5.8.91 and 22.8.92 respectively (Annexure A-4). The Opposite party No. 2 vide letter dated 10.5.93 called upon the bio-datas of such MBCs who had worked prior to 1986 for the purpose of screening and the names of both the applicants are mentioned at Sl. No. 28 and 31 respectively. In the mean time, some MBCs filed some OAs, including one O.A. No. 582/2000 (Rajesh Kumar Trivedi and another) which has already been allowed on 13.11.2000 by this Tribunal and which has attained finality (AnnexureA-7). Even after the after the aforesaid judgment /order of this Tribunal, needful was not done in the case of the applicants. It is orally submitted that the aforesaid judgment was in rem and not in personam. The perusal of this judgment /order shows that the respondents were directed to screen the applicants of that O.A. for subsequent vacancies which may be proposed to be filled up by process of screening and they shall be screened in order of their seniority vis-à-vis others who may not be party in the case. It is further submitted that even General Manager, NER, Gorakhpur vide his letter dated 7.2.2002 issued directions in respect of screening of MBCs of NER posted in different divisions. In compliance thereof, Opposite Party No.2 called upon only few MBCs excluding the applicants without disclosing any reasons for their exclusion. According to the information received under the Right to Information Act, 20 MBCs are still left for screening and name of the applicants find place at Sl. No.4 and 16 respectively in that list (AnnexureA-10). After waiting for two months, both the applicants moved a representation dated 14.7.2010 contained in Annexure A-11. It is submitted that not to screen the applicants (it was due in 1995) even after more than 16 years from the date of attaining

temporary status, is affecting future prospects of the applicants in their regularization, seniority and promotion etc. besides monetary benefits.

3. From the other side, a detailed counter affidavit has been filed saying that the representation dated 14.7.2010 (Annexure A-11) has already been disposed of in compliance of the interim order dated 15.3.2011 passed by this Tribunal. The relevant order has also been enclosed as CR-1. The learned counsel for respondents draws the attention of this Tribunal towards last four lines of this order wherein it has been mentioned that in respect of 19 unscreened MBCs, Demi Official letters dated 25/26.8.2009, 25.2.2010, 16/21.12.2010 and 24.2.2011 have already been sent by DRM, Lucknow to Chief Personnel Officer and Chief Commercial Manager, Gorakhpur. It is further mentioned in this order that the list of these 19 left over MBCs also include both the present applicants and the matter for their re-screening /regularization /removal from service or for otherwise instructions has already been referred to the Headquarters. In the last it has been said that as soon as the relevant directions are received, necessary follow up action would be taken up.

4. The anxiety of the learned counsel for applicants is that even after passing of this order (CR-1) last year, nothing has been done for the last about one year and unless some stipulated time is prescribed by this Tribunal, nothing is going to happen.

5. Learned counsel for the respondents says that at this stage, he has no instruction about the latest status.

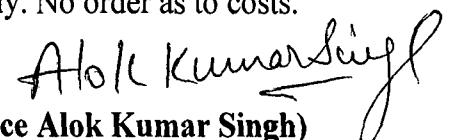
6. But the fact of the matter is that, the C.A. is dated 1st November, 2011 and admittedly nothing substantial has been indicated in the entire CA. in respect of progress made in this matter. Learned counsel for applicants submits that he has filed Rejoinder Reply in January, 2012 and even till that date, nothing has happened. Therefore, status up to June 2012 is at least clear.

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7. This is really a bit surprising that even after a lapse of one year, nothing has happened in respect of the above matter. Therefore, having regard to the above facts and circumstances of this case, we finally dispose of this O.A with the direction to the respondents to do the needful in the matter expeditiously, preferably, within 4 months from today, if they have not already acted upon in the matter effectively. No order as to costs.


(S.P.Singh)

Member (A)


(Justice Alok Kumar Singh)
Member (J)

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