

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH**

O.A. No. 379 of 06

Date of order : 01.07.08

CORAM

**Hon'ble Ms. Sadhna Srivastava, Member (J)
Hon'ble Mrs. Manjulika Gautam, Member (A)**

Awadh Kishor Sinha, S/o Late Ram Vilas Prasad, at present posted as Khalasi
Signal at Bettiah and 55 others

....Applicant

By Advocate : Shri Rakesh Kumar

Vs.

1. The Union of India through the General Manager, E.C. Railway, Hajipur District – Vaishali.
2. The Chief Personnel Officer, E.C. Railway at Hajipur.
3. The Divisional Railway Manager, E.C. Railway, Samastipur Division, Samastipur.
4. The Sr. Divisional Railway Manager [P] E.C. Railway, Samastipur Division, Samastipur.
5. The Divisional Railway Manager [P] E.C. Railway, Samastipur Division, Samastipur.
6. The Divisional Commercial Manager, E.C. Railway, Samastipur Division, Samastipur.

....Respondents

By Advocate : Shri B.K. Sinha.

ORDER [Oral]

S. Srivastava, M [J]:- Heard learned counsel for the parties.

2. The applicants [56 in number] are permitted to join together to pursue the matter jointly.
3. By means of this OA the applicants claim the following reliefs:-

“ 8 [i] To set aside the order as contained in Annexure – 11.



[ii] To direct the respondent authorities to grant temporary status to the applicant from various date as shown in Column 11 of Annexure -2.

[iii] To direct the respondent authorities to adjust these applicants in their parent department [i.e., Commercial department] against Group 'C' post by way of promotion as and when vacancies became available in accordance with law.

And

To grant any other relief / reliefs as this learned Tribunal may deem fit and proper.”

4. On 29.8.04, on the instructions of the applicants, learned counsel for the applicant has withdrawn the relief as sought in relief 8 [iii] of the OA. The relief having been withdrawn, now the main relief is to quash the order dated 5.1.06 as contained in Annexure-11 whereby the prayer to grant temporary status has been denied. Further, they prayed to grant temporary status to the applicants from various dates as shown in Column 11 of Annexure-2.

5. The facts, in brief, are that all the applicants in pursuance of Railway Board's scheme dated 7.7.83 and 31.3.83, were engaged as volunteers to help the ticket checking staff and were paid out of pocket allowance on fixed rate of Rs. 8/- per day. They were not appointed to any post in the Establishment of the Railways. Thereafter, all the applicants left the job voluntarily during the year 1984-86. However, the aforesaid scheme was discontinued by the railway in the year 1986. A large number of such matters went before the Central Administrative

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Tribunal, on the termination of engagement of such volunteers Ticket Checkers [VTC in short]by the railway. The Tribunals made certain orders in favour of volunteer Ticket Checkers. Aggrieved by the orders of the Tribunal, the railway administration filed Civil Appeal No. 1015 of 95 and No. 1797-71A of 93 along with other similar Civil Appeals. The three Judges Bench of the Apex Court disposed of the Civil Appeal No. 1015 of 95 with the following directions:-.

“ Therefore, this is a special type of status which conferred by the Tribunal, perhaps under the establishment rules of the railways. But what is important is that the Tribunal desired that these respondents should be considered for Group 'D' post as and when vacancies arise. The ultimate effect of this is that the respondents will continue to work as volunteers on pay of out of pocket allowance at the rate of Rs. 8/- per day, but as and when vacancies arise in Group D post, they should be considered for absorption in accordance with the inter se seniority between the volunteers. Nothing further then that is contemplated by the impugned order of the Tribunal In view of the above since the position now stands clarified and any doubt which existed now stands removed by this order, nothing further remains to be done and we do hope that the question of absorptions of the respondents, if not considered by now, will be completed expeditiously. The appeal will stand disposed of, accordingly. No costs.”

6. It is submitted by the respondents that in pursuance of the judgments dated 27.7.95 in SLP No. 17971 -71A of 93 [Annexure R/1], the applicants of this OA were re-engaged as VTC in the year 1996 -97 and later on, they were appointed in Group D category in different departments on available vacancies. The respondents further submitted that the applicants were not entitled to grant of

temporary status, because no such direction was given by the Apex Court in the aforesaid judgment.

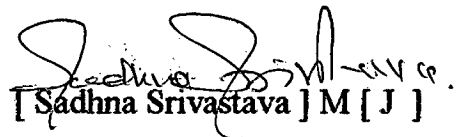
7. On the other hand, the learned counsel for the applicant submitted that similarly placed employees posted in Katihar Division were granted time scale whereas the applicants have been denied.

8. We have gone through the judgments filed by the applicants as well as respondents. The Apex Court has not issued any direction to grant temporary status.

9. In view of the judgments given by the Apex Court, as referred to above, the applicants are not entitled for any relief. Resultantly, the OA is dismissed without any order as to the costs.



[Manjulika Gautam] M [A]



[Sadhna Srivastava] M [J]

/cbs/