

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 398/96

Date of Decision: 5.9.1997.

S.T.Bhosale & Ors.

Applicant.

Shri Y.R.Singh.

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri S.C.Dhawan.

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice-Chairman,

Hon'ble Shri. P.P.Srivastava, Member(A).

- (1) To be referred to the Reporter or not? *yes*
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

R. G. Vaidyanatha
(R.G.VAIDYANATHA)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 398 / 1996.

Friday, this the Fifth day of September, 1997.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri P.P.Srivastava, Member(A).

1. S.T.Bhosale,
2. B.A.Chakaravarti,
3. C.M.Kalshatti
4. R.V.Atle
5. E.K.Ingole
6. N.N.More
7. C.K.Kamble
8. A.D.Shinde
9. J.M.Somani
10. M.B.Gade
11. S.Ramayya
12. B.Bhagwan
13. A.S.A. Sayyed
14. U.P.Navgiere
C/o. 1/3, Gauranagar,
Budhwar Peth,
Solapur,
Solapur.

... Applicants.

(By Advocate Shri Y.R.Singh).

V/s.

1. The Union of India through
The General Manager,
Central Railway, 2nd Floor,
Victoria Terminus,
Bombay - 400 001.
2. The Divisional Railway Manager,
Central Railway,
Solapur,
3. The Divisional Personnel Officer,
officer of the Divisional Railway
Manager, Personnel Branch,
Solapur.

(By Advocate Shri S.C.Dhawan)

O R D E R

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed by the applicants
seeking for a direction to restore the panel scrapped by the

...2.

respondents and to absorb the applicants' regular Class IV railway employees. We have heard both the sides.


2. In our view, the application can be disposed of on a short point. Hence it is not necessary to go in detail.

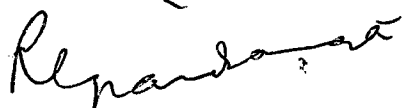
The applicants claim to be working in Central Railway Employee's Consumer's Co-operative Societies and Central Railway Institutes. As ^{such} ~~others~~ they claim for being appointed in the Railways. In other words, their case is that they are also Railway employees and are to be absorbed permanently by the Railway Administration. At one stage, during the recruitment, the Railway Officers had empanelled the applicants for being considered for appointment, but subsequently the empanelment was cancelled. Against that order the applicants had approached this Tribunal in O.A. No.782/90. By an order dt. 23.2.1995, this Tribunal gave a direction to the Railway Authorities to hear the representations of the applicants and pass a speaking order. On the basis of this direction the applicants made a fresh representation, then after hearing them, the Administration rejected the representation by the impugned order which is now being challenged by the applicants in the present application.

3. The question whether the applicants are Railway employees and are entitled to be absorbed against permanent vacancies is no longer res-integra and is covered by a direct authority of the Apex Court reported in ((1996) 33 ATC 194) Union of India (Railway Board) and Ors. V/s. J.V.Subhaiah and Ors. The Apex Court has observed

that the employees of Railway Co-operative Stores/Societies cannot be treated on par with Railway servants and they cannot be given parity of status, promotions, scales of pay, increments etc. Though the applicants' place reliance on an earlier decision of the Apex Court in Civil Appeal No.2937/91, the matter is now covered by a later Judgment of a Larger Bench of the Apex Court which clearly rules that the employees of the ~~Railway~~ Consumer Cooperative Societies are not employees of Railways. In view of this position, the applicants cannot claim any legal right for being absorbed as permanent Railway employees.

4. In the result, the application is rejected at the admission stage. No costs.


(P.P.SRIVASTAVA)
MEMBER (A)


(R.G.VAIDYANATHA)
VICE-CHAIRMAN

B.