

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 2-11-87

Application Nos. 489 to 507 & 523 to 526/87(F)

Applicants

Respondents

Shri Ravindranath Kate K & 22 Ors V/s The GM, Southern Railway
Madras & 5 Ors

To

1. Shri Ravindranath Kate K.
2. Shri Ravindra Naidu
3. Shri E. Gopinath
4. Shri K. Chandran
5. Shri Jamshidkhan
6. Shri G. Venkatesh
7. Smt Vijayakumari
8. Smt Sharada
9. Smt Umadevi
10. Smt Sajeeda Begum
11. Smt Prasannakumari
12. Smt S. Radha
13. Smt R. Nirmala
14. Smt Sarvamangala
15. Smt Sarala
16. Smt Bhagyalakshmi

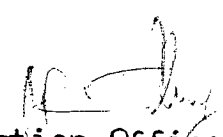
17. Smt Chamu
18. Shri Munigangaiah
19. Shri K.L. Krupa
(Sl Nos. 1 to 19 - ELRs,
Reservation-cum-Enquiry Office
Southern Railway,
Bangalore City)
20. Shri S.M. Babu
Advocate
242, Vth Main, Gandhinagar
Bangalore - 560 009
21. Kum G. Vasanthakumari
1159/8, Milk Centre, Main Road,
Mysore South
Mysore
22. Smt Meherun Bhi
106, Loco Colony
VV Mohalla
Mysore
23. Smt Jacintha Jones
Chief Reservation Office
Bangalore City Railway Station
Bangalore
24. Kum. G. Girijamma
Upper Street
Aunthar
Guthamma Temple
Bhadravathi

25. Shri M. Abdul Rahaman
Advocate
No. 306, Subedar Chathram Road
Bangalore - 560 009
26. The General Manager
Southern Railway
Park Town
Madras - 3
27. The Chief Commercial Superintendent
Southern Railways
Madras
28. The Divisional Commercial Superintendent
Southern Railway
Bangalore
29. The Divisional Railway Manager
Southern Railway
Bangalore
30. The Chairman
Railway Board
New Delhi - 110 001
31. Shri Ramesh
Bangalore City Reservation Office
Railway Station
Bangalore
32. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Buildings, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith copy of Order passed by this Tribunal in the above said applications on 29-10-87

Encl : As above


Section Officer
(Judicial)

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 29TH DAY OF OCTOBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NOS. 489 TO 507 & 523 TO 526/87

1. Sri. Ravendranath Kate K.
aged 23 years,
S/o B. Krishna Rao. ... Applicant in
A. No.489/87
2. Sri. Ravindra Naidu,
aged 27 years,
S/o J.U. Ramachandra. ... Applicant in
A.No.490/87
3. Sri. E. Gopinath,
aged 27 years,
S/o Eithiraj. ... Applicant in
A.No.491/87
4. Sri. K. Chandran,
aged 28 years,
S/o P. Kuppuswamy. ... Applicant in
A.No.492/87
5. Sri. Jamshidkhan,
aged 36 years,
S/o Abdul Rasid Khan. ... Applicant in
A.No.493/87
6. Sri. G. Venkatesh,
aged 36 years,
S/o, Narasiah. ... Applicant in
A.No.494/87
7. Vijayakumari,
aged 30 years,
W/o M.R. Prasad. ... Applicant in
A.No.495/87
8. Mrs. Sharada,
aged 26 years,
D/o N. Mohan Ram. ... Applicant in
A.No.496/87
9. Mrs. Umadevi,
aged 26 years,
D/o C. Channappa. ... Applicant in
A.No.497/87
10. Mrs. Sajeeda Begum,
aged 27 years,
D/o Abdul Rasheed. ... Applicant in
A.No.498/87
11. Mrs. Prasannakumari,
aged 27 years,
W/o M.R. Unni. ... Applicant in
A.No.499/87
12. Mrs. S. Radha,
aged 29 years,
W/o N.S. Govindan ... Applicant in
A.No.500/87



13. Mrs. R. Nirmala,
aged 29 years,
D/o C. Ramaiah. ... Applicant in
A.No.501/87.
14. Mrs. Sarvamangala,
aged 27 years,
D/o Bagirathi. ... Applicant in
A.No.502/87
15. Mrs. Sarala,
aged 27 years,
W/o Ravi. ... Applicant in
A.No.503/87
16. Bhagyalakshmi,
aged 29 years,
D/o Chikashamanna. ... Applicant in
A.No.504/87
17. Mrs. Chamu,
aged 31 years,
D/o M. Subramanyan. ... Applicant in
A.No.505/87
18. Munigangaiah,
aged 28 years,
S/o, Hanumaiah. ... Applicant in
A.No.506/87.
19. K.L. Krupa,
aged 33 years,
S/o J.P. Krishnaswamy. ... Applicant in
A.No.507/87.

(All are working as ELR's in
Reservation-cum-Enquiry
office, Southern Railway,
Bangalore City)

(Shri S.M. Babu, Advocate)

20. Miss. U. Vasanthakumari,
D/o. S. Govindaswamy,
aged 29 years,
No.1159/8, Milk Centre,
Main Road, Mysore South,
Mysore. ... Applicant in
A.No.523/87
21. Mrs. Meherun Bhi,
W/o Abdul Mazeed,
aged 32 years,
D.No.106, Loco Colony,
V.V. Mohalla, Mysore. ... Applicant in
A.No.524/87
22. Mrs. Jacintha Jones,
W/o. Y. Jones,
aged 28 years,
Chief Reservation Office,
Bangalore City Railway Station,
Bangalore. ... Applicant in
A.No.525/87
23. Miss. G. Girijamma,
D/o. V. Bheemappa (Late),
aged 32 years, Upper Street,
Aunthar, Guthamma Temple,
Bhadravathi. ... Applicant in
A.No.526/87

(Shri M.Abdul Rahaman, Advocate)



v.

1. The General Manager,
Southern Railways,
Madras.
2. The Chief Commercial Superintendent
Southern Railways,
Madras.
3. Divisional Commercial Superintendent,
Southern Railway,
Bangalore.
4. Divisional Railway Manager,
Southern Railway,
Bangalore.
5. The Chairman,
Railway Board,
New Delhi.

Common respondent
in A.No.489 to 507
and A.No.523 to 526

Respondent No.5 in
A.No.489 to 507 and
R.No.1 in A.No.523 to
526.

6. Mr. Ramesh,
Bangalore City Reservation
Office, Railway Station,
Bangalore.

Respondent No.6 in
A.Nos.523 to 526/87.

(Shri M. Sreerangaiah, Advocate)

These applications having come up for hearing to-day,

Vice-Chairman made the following:

O R D E R

As the questions that arise for determination in these cases are common we propose to dispose them of by a common order.

2. The applicants are working as Clerical Assistants on daily wages basis to assist the Booking Clerks in the Reservation and enquiry office at the Bangalore City Railway Station during peak seasons. Apprehending that their services would be terminated, the applicants by separate but identical



applications approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 for appropriate reliefs.

3. In their reply, the respondents have resisted the applications.

4. Sriyuths S.K. Venkataranga Iyengar, M. Abdul Rahman, learned counsel for the applicants contend that the cases of the applicants were in all fours to the cases decided by the Principal Bench in DA No.1174A of 1986 decided on 28th August 1987 (MISS NEERA MEHTA & OTHERS v. UNION OF INDIA AND OTHERS) and they were all entitled for regularisation on the same terms and conditions stipulated in that very order.

5. Shri M. Sreerangaiah, learned counsel for the respondents contends that these cases were not similar to Miss. Neera Mehta's case and therefore the ratio in that cannot govern these cases at all.

6. We have carefully examined whether these cases are similar to Miss. Neera Mehta's case decided by the Principal Bench. We find that they are similar in all respects to that case. The only difference ^{is} in the nomenclature of the posts and that ~~xxxxxxxxxx~~ cannot and should not make any difference in deciding whether they are similar. If they are similar in all respects, then we are bound to follow the decision in Miss. Mehta's case and make similar directions. For the very reasons stated in Miss. Neera Mehta's case, we direct the



Respondents that the applicants who were engaged on or before 17.11.1936 shall be regularised and absorbed against regular posts after they have completed three years of service from the date of their initial engagement subject to their fulfilling all other conditions in regard to qualifications etc., as contained in circulars dated 21.4.1982 and 20.4.1985 of the Railway Board.

7. Applications are disposed of in the above terms. But in the circumstances of the cases, we direct the parties to bear their own costs.



Sd ---

Vice-Chairman

29/10/87

"True copy"

Sd ---

Member (A) by x. '87

bsv/Mrv.

SECTION OFFICER

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 17 OCT 1989

CONTEMPT

PETITION (CIVIL) NO (S) 42 to 46 / 89
IN APPLICATION NOS. 495, 497, 506, 524 & 525/87(F)
W.P. NO (D) _____

Applicant (s)

Smt Vijayakumari & 4 Ors

To

1. Smt Vijayakumari

2. Kum. Uma Devi

3. Shri Munigangaiah

4. Smt Maherun Bhi

5. Smt Jacintha Jones

(Sl Nos. 1 to 5 -

ELRs in Reservation-cum-Enquiry Office
Southern Railway
Bangalore City Railway Station
Bangalore - 560 023)

6. Shri S.K. Srinivasan
Advocate
No.10, 7th Temple Road
15th Cross, Malleswaram
Bangalore - 560 003

7. The General Manager
Southern Railway
Head Quarters Office
Park Town
Madras - 600 003

Respondents

V/s The General Manager, Southern Railway,
Madras & 4 Ors

8. The Chief Commercial Superintendent
Southern Railway
Headquarters Office
Park Town
Madras - 600 003

9. The Divisional Commercial
Superintendent
Southern Railway
Bangalore Division
Bangalore - 560 023

10. The Divisional Railway Manager
Southern Railway
Bangalore Division
Bangalore - 560 023

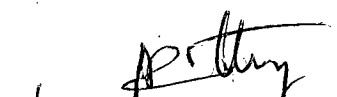
11. The Chairman
Railway Board
Rail Bhavan
New Delhi - 110 001

12. Shri M. Sreerangaiah
Railway Advocate
Hotel Mayura Building (2nd Floor)
No. 2, Kumbargundi Road
(Silver-Jubilee Park Road Cross -
Near Town Hall)
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~XXXX~~/~~XXXXXX~~
C.P.(Civil)
passed by this Tribunal in the above said application(s) on 6-10-89.

Encl : As stated


DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE 6TH DAY OF OCTOBER 1989.

Present: Hon'ble Shri Justice K.S.Puttaswamy .. VICE CHAIRMAN
Hon'ble Shri L.H.A.Rego .. MEMBER(A)

CONTEMPT PETITION(CIVIL) NO.42 to 46/1989

1. Smt.Vijayakumari,
2. Ms.Uma Devi,
3. Mr.Munigangaiah,
4. Mrs. Maheswari Bhi,
5. Mrs. Jacintha Jones .. Applicants

(All are working as ELRs in
Reservation cum Enquiry Office,
Southern Railway, B'lore City
Railway Station , B'lore 9)

(Shri S.K.Srinivasan .. Advocate)

vs.

1. The General Manager,
Southern Railway,
Head Quarters Office,
Park Town,
Madras 600 003.

2.The Chief Commercial Supdt.,
Southern Railway,
Head Quarters Office,
Park Town,
Madras 600 003.

3. The Divisional Commercial Supdt.,
Bangalore Division,
Southern Railway,
Bangalore 9.

4. The Divisional Railway Manager,
Bangalore Division,
Southern Railway,
Bangalore 9.

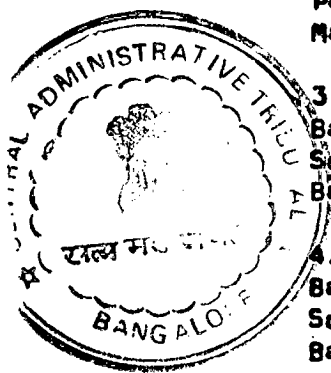
5. The Chairman,
Railway Board,
Rail Bhavan,
New Delhi 110 001.

.. Respondents.

(Shri M.Sreerangaiah .. Advocate)

This application has come up today before this Tribunal

for Orders. Hon'ble Vice Chairman made the following:



O R D E R

Petitioners by Shri S.K.Srinivasan. Respondents by Shri M.Sreerangaiah.

2. In these petitions made under Section 17 of the Administrative Tribunals Act of 1985 and the Contempt of Courts Act of 1971, the petitioners have moved this Tribunal to punish the respondents for not implementing an order made in their favour on 29.10.1987 in Application No.s.495,497,506,524 & 525/1987.

3. In application nos. 495, 497, 506, 524 & 525/1987 and connected cases, the petitioners and 18 others had moved this Tribunal to regularise their service in terms of an order made by the Principal Bench of this Tribunal in O.A.No.1174 A of 1986 decided on 28th August, 1987 (MS.NEERA MEHTA & OTHERS vs. UNION OF INDIA AND OTHERS). On 29.10.1987, we disposed all of them by a common Order in these terms:-

" For the very reasons stated in Miss Neera Mehta's case, we direct the Respondents that the applicant who were engaged on or before 17.11.1986 shall be regularised and absorbed against regular posts after they have completed three years of service from the date of their initial engagement subject to their fulfilling all other conditions in regard to qualifications, etc., as contained in circulars dated 21.4.1982 and 20.4.1985 of the Railway Board.

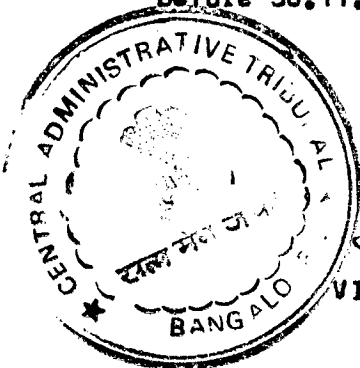
Applications are disposed of in the above terms. But in the circumstances of the cases, we direct the parties to bear their own costs."

Shri Sreerangaiah informs us that the Special Leave Petition filed by the Railway administration against the decision of the Principal

Bench in Ms. Neera Mehta's case has been dismissed by the Supreme Court and the Railway administration had taken a decision to implement the order in that and these cases with expedition for which purpose he prays for at least another 2 months time.

4. Shri Srinivasan vehemently opposes the grant of any further time to the respondents to implement our order.

5. We are satisfied that the facts and circumstances justify us to grant time at least till 30.11.1989 to implement our orders. We, therefore, grant time to the respondents till 30.11.1989 to implement our orders. But in the meanwhile we drop these Contempt of Court Proceedings reserving liberty to the petitioners to approach this Tribunal if our orders are not implemented on or before 30.11.1989, with no order as to costs.



bk.

PS —
VICE CHAIRMAN

PS —
MEMBER (A)

TRUE COPY

for DEPUTY REGISTRAR (JDI)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE