

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

JAIPUR.

O.A. No. 915/92

Date of order 15.10.92

Mahavir Prasad & Ors.

.... Applicant.

Vs.

Union of India & Ors.

... Respondents.

Mr. S. K. Jain

... Counsel for the applicant.

None present for the respondents.

CORAM :

HONORABLE MR. JUSTICE D. L. MEHTA, VICE-CHAIRMAN.

HONORABLE MR. B. B. MAHAJAN, ADMINISTRATIVE MEMBER.

PER HON'BLE B. B. MAHAJAN.

Mahavir Prasad & Ors. have filed this O.A. for quashing the order of their retrenchment and directing the respondents to absorb them on the lines of the orders issued in the case of Mobile Booking Clerks on 17.12.91. As per facts stated in the OA, the applicants were appointed as Mobile Ticket Collectors on 30.6.83.

Fearing their termination in the year 1984, the Western Railway Employees Union, filed a writ petition before the Rajasthan High Court Jaipur Bench and the same was dismissed on 24.1.85 on the ground that the petitioner Union cannot espouse the cause of 14 persons who were not members of the Union. The applicant filed an O.A. before the Tribunal titled Suresh Chandar Vs. U.O.I. as O.A. No. 91/88. The same was dismissed by the Tribunal on 24.10.88 on the ground of delay. The applicants have now filed this application on the plea that the Railways had engaged volunteers/Mobile Booking Clerks on the same

terms and conditions as of the petitioners and the Calcutta Bench of the Tribunal in its order dated 26.3.86 Samir Kumar Mukherjee & Ors. Vs. General Manager, Eastern Railway & Ors. held that the Volunteer Ticket Collects should be treated as Temporary Employees and also entitled for other benefits.

2. We have heard the counsel for the applicant.

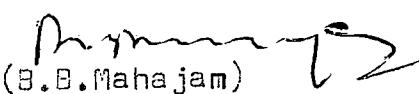
Since the application on the same point about quashing the order of termination had earlier been dismissed by the Tribunal on 24.10.88, that decision would operate as res-judicata and no fresh application on the same point can now be entertained. Once the retrenchment of the applicants in the Year 1984 is treated as final no ground survives for regularising their services particularly after a lapse of more than 8 Years. The orders of the Railway Board dated 17.12.91, Annexure :A-2 apply to the Mobile Booking Clerks and not to posts of Mobile Ticket Collectors which the applicants were ~~also~~ holding. The plea for asking the Railway Board to prepare a similar scheme in the case of applicants does not arise as the applicants had ceased to be in the employment of the respondents Since 1984. The applicants had also moved the Hon'ble Supreme Court by a Writ Petition under Article 32 of the Constitution of India.

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The learned counsel for the applicant has shown a copy of the order of the Hon'ble Supreme Court dated 14.9.92 which reads as under :

"In view of the recent decision in Piara Singh's case (JT 1992 (5) SC 179) the learned counsel for the petitioners wants to withdraw this petition stating that the petitioners would approach the appropriate forum for the reliefs claimed in this writ petition. The writ petition is dismissed as withdrawn.

The case of Piara Singh does not apply in the facts and circumstances of this case as the applicants had ceased to be the employee of respondents since 1984. Therefore, the benefit of Piara Singh's case cannot be extended to the applicants. The application is accordingly dismissed in limine.

  
(B.B. Mahajan)

Member (Adm.)

  
(D.L. Mehta)

Vice-Chairman.