

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.10/95.

Date of order : 8.11.1996.

Between

1. S.A.P. Setty
2. K.Rangababu
3. Smt. Rameeja Bee
4. M.H.C.Mahaboob
5. K.Sudhakar
6. G.Venkatesulu
7. K.Krishnaji Rao
8. P.V.Sureshbabu
9. S.Khaja Hussain
10. M.Venkatesh
11. M.Ayaz Khan

.. Applicants

And

1. Railway Board,
Reptd. by its Chairman,
Rail Bhavan

2. General Manager,
S.C.Rly., Rail Nilayam,
Secunderabad.

3. Divl. Rly. Manager(Personnel),
Guntakal Division, S.C.Rly.,
Guntakal.

.. Respondents

Counsel for the Applicants .. Shri G.Ramachandra Rao

Counsel for the Respondents .. Shri V.Rajeswara Rao,
SC for Railways

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri R.Rangarajan : Member(A)

Order

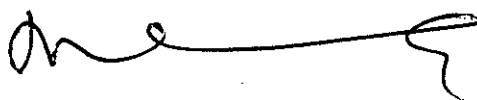
[Per Hon'ble Shri R.Rangarajan : Member(A)]

There are 11 applicants in this O.A. who are working in the South Central Railway Employees Consumer Cooperative Stores Limited. They filed this application praying for a direction to the respondents to recognise them as regular Railway employees in Grade III posts and pay them regular salary and give them service from the date of their appointments in the Society and consequential increments and promotional increments and pay them arrears of salary including all attendant benefits. This O.A.

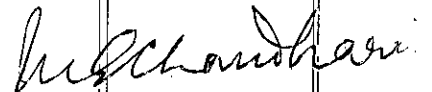
was initially disposed of by order dated 26.12.95 allowing the application. However, the respondents filed R.A.No.24/96 in this O.A. In this R.A. they relied on the judgement of the Supreme Court reported in 1996 SCC (L&S) 558 X Union of India (Railway Board) & Ors. Vs. J.V.Subbaiah & Ors.I. As per the judgement of the Supreme Court it was brought to our notice that the employees of the Railway Cooperative Stores/Societies registered under the Societies Act and organised by the Railway Administration pursuant to non-..... neither Railway Servants nor entitled to parity with them in the matters of status, promotion, scale of pay, increments etc. Based on the judgement of the Apex Court, R.A.No.24/96 in this O.A. was allowed by order dated 1.11.96. In view of the order in the R.A. the O.A. was restored to file and listed today for hearing and final orders.

2. There is no order required in this O.A. The judgement of the Apex Court is very clear. The employees of the Cooperative Societies are not Railway employees and they cannot be equated to that of Railway employees of equal cadre.

3. In view of the categorical judgement of the Supreme Court this O.A. is liable to be dismissed. Accordingly it is dismissed. No costs.




(R. Rangarajan)
Member(A).



(M.G. Chaudhari)
Vice-Chairman.

Dated: 8.11.1996.
Dictated in Open Court.


20-11-96
Deputy Registrar CC

br.

O.A.10/95.

To

1. The Chairman,
Railway Board,
Railbhavan, New Delhi.
2. The General Manager,
SC Rly, Rail Nilayam,
Secunderabad.
3. The Divisional Railway Manager(Personnel)
Guntakal Division, SC Rly, Guntakal.
4. One copy to Advocate. CAT.Hyd.
5. One copy to Mr.V.Rajeswar Rao, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

0
11/12/96

2 drafts

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 8 - 11 - 1996

ORDER / JUDGMENT

M.A./R.A./C.A. No.

in

O.A.No. 10/95

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

