

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 30.3.95.

OA 592/94

MADAN LAL VERMA, MAHESH CHAND JAIN, SACHCHIDANAND TRIPATHI, B.P. SHARMA, HARI NARAIN NEEMA, HANHAIYA LAL SHARMA, AUSAF ALI, JAI NARAIN SHARMA, GOMTI PRASAD SHARMA, AMAR SINGH and RADHA RAMAN PACHORI.

.... APPLICANTS .

Versus

UNION OF INDIA & ANOTHER RESPONDENTS .

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).
HON'BLE MR. O.P. SHARMA, MEMBER (A).

For the Applicants ... SHRI C.B. SHARMA,
For the Respondents ... NONE.

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicants, above named, have filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying that the respondents may be directed to give appointment to a son or daughter of the applicants in the Railways as also for a direction to give a chance to the applicants to exercise option as enumerated in the order dated 15.7.74 (Annexure A-2).

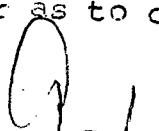
2. We have heard the learned counsel for the applicants. None is present for the respondents in spite of service of notices upon them.

3. The applicants were serving in various capacities in the Railways. In the year 1974 there was a general strike observed by a majority of the Railway employees. It resulted in paralysing the economy inasmuch as the transportation of the goods was adversely affected. The Railways were run with the aid of the Army and the strike was declared illegal. Thereafter, the Govt. of India issued notices to the railway employees to return to duty and those railway workers who realised the importance of railway transportation and its impact on the Country and did not

C.Kirshna

participate in the strike were called 'Loyal Workers'. The applicants have assailed the order dated 22.4.94 (Annexure A-1) by which the powers delegated to the Railways to give employment to the wards of Loyal Workers during the strike period have been withdrawn by the Board from 30.9.76 and provision for employment ^{of the} towards of loyal railway servants was taken away as being arbitrary and unreasonable. Since the applicants had not struck work during the period of strike, they were assigned duties during that period and categorised as 'Loyal Workers'. The respondents, after considering the duties performed by them during the strike period, granted one special increment to the applicants w.e.f. 1.6.74 vide an order dated 16.8.94 (Annexure A-1). However, the applicants, being dis-satisfied with the grant of special increment, made representations for grant of an option to be exercised for one of the benefits as specified in the order dated 15.7.74 (Annexure A-2). This request was not agreed to by the respondents and their representations were turned down. It is contended by the applicants that denial of the relief claimed by them may be tantamount to discrimination in so far as some persons similarly situated, mentioned at page- 8 of the OA, have already been given appointment on the ground that their fathers were Loyal Workers. There is no mention of the dates on which these persons were given appointment on the ground of loyalty of their fathers. Nor any document has been produced in support of this plea. It is, therefore, very difficult to say that there was any discrimination made in the matter of grant of appointment in the case of the applicants. As stated in Annexure A-1 dated 22.4.94, the powers delegated to the Railways to give employment to wards of Loyal Workers during the strike period have already been withdrawn by the Board from 30.9.76.

4. In view of this position, the applicants have no case for grant of the reliefs claimed by them. This application is, therefore, dismissed at the stage of admission with no order as to costs.


(C.P. SHARMA)
MEMBER (A)


(GOPAL KRISHNA)
MEMBER (J)

VK.