

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, YAMHAIYA 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

.....2.

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strike period have been withdrawn by the Board from 30.9.76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 ^{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 consider-

ing 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 applic-

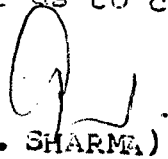
ants. As stated in Annexure A-1 dated 22.4.94, the powers

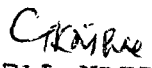
delegated to the Railways to give employment to wards of

Loyal Workers during the strike period have already been

C.K. Nishu 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.