

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 10th day of September, 2008

ORIGINAL APPLICATION NO.30/2007

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

1. Anil Sarsar s/o Shri Arjun Sarsar
2. Pappu Goyar s/o Shri Charandas Goyar
3. Tej Karan Bairwa s/o Shri Kedar Lal Bairwa
4. Raghuver Bairwa s/o Shri Kedar Lal Bariwa
5. Bhag Chand Saini s/o Ramchandra Saini
6. Shankar Lal s/o Shri Mohan Lal
7. Mahesh Kumar Baniwal s/o Shri Bhagwan Sahai
8. Gopal Lal Bainiwal s/o Shri Ram Pratap Bainiwal
9. Ravi Sarsar s/o Shri Lakshmi Narain Sarsar
10. Hanif Khan s/o Shri Nanha Khan
11. Sohni Lal Samota s/o Shri Laduram Samota
12. Ramesh Chand Jat s/o Shri Hemaram Jat
13. Prem Chand Sharma s/o Shri Ram Dayal Sharma
14. Ramphool Meena s/o Shri Jai Narain Meena
15. Nawal Kishore s/o Shri Lakshmi Narain
16. Amir Khan s/o Shri Banne Khan
17. Trilok s/o Shri Ram Swaroop Dangoria
18. Latesh Kumar s/o Ramlal
19. Shankar Singh s/o Shri Hanuman Singh
20. Ramavtar Bairwa s/o Shri Mangla Ramji
21. Pappu Meena s/o Shri Phool Chand
22. Vinod Kumar s/o Shri Babu Lal Meena
23. Chelaram Meena s/o Shri Gangasahai Meena
24. Mahaveer Meena s/o Shri Jagdish Prasad
25. Raju Lal Meena s/o Shri Panchu Ram Meena
26. Salim Khan s/o Shri Hussain Khan
27. Gopal Meena s/o Shri Jagdish Prasad Meena
28. Jagannath Meena s/o Shri Jagdish Prasad Meena
29. Nijam Khan s/o Shri Hussain Khan
30. Sanjay Kumar s/o Shri Mahesh Kumar
31. Kishan s/o Shri Madhulal

... Applicants

(By Advocate : Shri Dharmendra Jain)

Versus

1. Union of India through
General Manager,
North Western Railway,
Jaipur.

2. Divisional Railway Manager,
North Western Railway,
Jaipur.

... Respondents

(By Advocate : Shri S.R.Samota, proxy counsel for
Shri T.P.Sharma)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicants have filed this OA thereby
praying for the following relief :

- “(i) by an appropriate order or direction, the respondents be directed to absorb and regularize the services of the applicants in the light of the judgement i.e. the Hon'ble Supreme Court as well as order of the Principal Bench of Central Administrative Tribunal, New Delhi. The applicants be given all consequential benefits arising out of it.
- (ii) by an appropriate order or direction, the action of the respondents to make discrimination even amongst the applicants before the Principal Bench of Central Administrative Tribunal, New Delhi, is also illegal inasmuch as at the time of decision, few Parcel Porters were continued and others were discontinued at the instance of Railway as well as Contractor. The said action also be declared as illegal.”

2. Briefly stated, facts of the case are that the applicants had earlier filed an OA [No.199/2004] before the Principal Bench of the Central Administrative Tribunal, New Delhi, which was disposed of vide order dated 23.1.2004 (Ann.A/5), whereby a direction was given to the railway authorities to carry out the inquiry and verification as per order of the Apex Court regarding working period of the applicants and thereafter consider their cases for absorption and regularization as Parcel Porters or against any other posts by way of extending the benefits of the judgement of the Hon'ble Supreme Court, as referred to in the earlier part of the judgement. Since the direction given by the Principal Bench vide judgement dated 23.1.2004 (Ann.A/5) was not carried out, the applicants moved a Contempt Petition [No.365/2004] before the Principal Bench. The said Contempt Petition was disposed of vide order dated 7.9.2005 (Ann.A/3). It is further

averred that in the counter-affidavit filed by the respondents in the Contempt Petition, it was stated that the matter has already been referred to the Assistant Labour Commissioner, Lucknow, for submission of verification report about the genuineness of the working period of the applicants, which is still awaited. Now, the applicants have filed this OA before this Bench thereby praying for the aforesaid relief.


3. Notice of this application was given to the respondents. The respondents have filed their reply thereby taking the objection of limitation and also opposing the claim of the applicants on merit. The applicants have also filed rejoinder thereby reiterating the submissions made in the OA.


4. We have heard learned counsel for the parties. As can be seen from the facts, as stated above, and prayer made by the applicants, it is evident that in fact the applicants want execution of the judgement rendered by the Principal Bench. When learned counsel for the applicants was confronted with the query that how this Bench of the Tribunal has got jurisdiction to give direction to the respondents to execute the judgement rendered by the Principal Bench, he submitted that since all the applicants are residing within the territorial jurisdiction of this Bench of the Tribunal, as such mandamus can be issued to the respondents to implement the judgement rendered by the Principal Bench vide Ann.A/5.

5. Learned counsel for the applicants further submitted that the Assistant Labour Commissioner has given the necessary report regarding verification about the genuineness of the working period of the applicants, as such it was now to act upon such report and pass appropriate order in conformity with the order passed by the Principal Bench.

6. Be that as it may, since we are of the view that basic grievance of the applicants is regarding

implementation of the judgement rendered by the Principal Bench, we are of the firm view that this Tribunal has got no jurisdiction to give direction to the respondents in the manner prayed for by the applicants. According to us, if any remedy lies with the applicant, the same lies before the railway authority or before the Principal Bench. With these observations, the OA stands disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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