

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

12

ORDERS OF THE BENCH

16.08.2011

OA No. 259/2010 with MA 167/2010

Mr. C.B. Sharma, Counsel for applicant.
Mr. Virendra Dave, Counsel for respondents.

On the request of the learned counsel for the applicant, put up on 30.08.2011.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

K. S. Rathore
(Justice K.S. Rathore)
MEMBER (J)

AHQ

2000

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30/08/2011

OA 259/2010 with MA 167/2010

Mr. C.B. Sharma, Counsel for applicant.
Mr. Virendra Dave, Counsel for respondents.

Heard.

The O.A. and M.A. are disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
[Anil Kumar]
Member (A)

K. S. Rathore
[Justice K.S. Rathore]
Member (J)

2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 30th day of August, 2011

Original Application No.259/2010

With MA No.167/2010

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

1. Suwa Lal
s/o Shri Nainu Ram
r/o Village, Sumel,
Malion Ki Dhani, Jaipur
2. Hariram Bairwa
s/o Ramdhan
r/o 84, Moti Nagar,
Gujar Ki Thadi,
Gopalpura Bye Pass, Jaipur.
3. Ram Bharosi Bairwa
s/o Shri Ramdhan
r/o 84, Moti Nagar,
Gujar Ki Thadi,
Gopalpura Bye Pass, Jaipur
4. Babu Lal Bairwa
s/o Shri Har Sahai Bairwa
r/o 87, Moti Nagar, Gujar Ki Thadi,
Gopalpura Bye Pass, Jaipur
5. Narendra Kumar Raigar
s/o Shri Chhaganlal Raigar
r/o Village Gaonwali, Post Lalwas,
Tehsil Jamwa Ramgarh,
District Jaipur.

.. Applicants

(By Advocate, : Shri C.B.Sharma)

Versus

1. Union of India
through the General Manager,
North Western Railway,
Head Quarter Office,
Jaipur
2. The Divisional Railway Manager,
North Western Railway,
Jaipur
3. The Senior Commercial Manager,
Office of DRM,
Jaipur Division,
North Western Railway,
Jaipur

.. Respondents

(By Advocate: Shri Virendra Dave)

ORDER (ORAL)

The present OA is directed against the order dated 7.10.2008 and 15.10.2008.

2. The applicants have also filed a Misc. Application No.167/2010 for condonation of delay in filing the present Original Application. We have considered the Misc. Application in the light of the ratio decided by the Hon'ble Supreme Court in the case D.C.S.Negi vs. Union of India and ors., in SLP (Civil) No.7956/2011 dated 7.3.201 and are of the view that the explanation so given for condoning the delay cannot be accepted and the Misc. Application is liable to be dismissed,



but in the interest of justice, we are proceeding to consider the case on merit also.

3. Brief facts of the case are that the respondents issued notification for selection of License Porters for different stations and the applicants applied for License Porter. The Screening Committee after screening prepared a list of selected candidates and directed them to appear along with their original documents and character certificate of the concerned police station incharge. Thereafter the selected candidates were medically examined wherein the applicants found fit and they were allowed to work as License Porter at Rewari Station.

4. The applicants after completion of six months requested the respondents for allotment of License/Billa at Jaipur Station, but they were not allowed License/Billa at Jaipur Station, therefore, the present OA is directed against the order dated 7.10.2008 and 15.10.2008.

5. Per contra, the respondents have submitted that no cause of action has arisen to file the present OA because all the applicants have submitted their willingness and no objection for allowing them to work as License Porter/Coolie at Rewari Station. Further submitted that licensed porters of different stations have been selected for the post of Gangman



which has resulted into shortfall in number of licensed porters. Thereafter guidelines and circulars were issued by the Railway Board for ensuring that passengers do not find any difficulty in securing services of License Porters/Coolies and there was also a shortfall of License Porters at Jaipur station at that time. But in the meanwhile License Porters/Coolies who have been appointed as Gangman or have been screened but they have not joined as they were reluctant to work as Gangman expressed their desire to return as porters. This matter has been considered by the Ministry of Railways and it has been decided that those License Porters/Coolies who have been appointed as Gangman but has not joined the post yet and who now want to revert back as License Porter/Coolie and want their badges back, may be allowed to revert back as License Porters/Coolies. Therefore, as many as 17 License Porters/Coolies who were appointed as Gangman reverted back as License Porters. In such circumstances, 17 vacancies against which appointments were made became excess. Thereafter applicants themselves submitted their consent vide consent letter dated 6.10.2008. It is also submitted that no assurance was given to the applicants for their return to Jaipur Station. Since the applicants were ready and willing to work at Rewari station, so as per consent and no objection, License/Billas have been issued to them. Now, admittedly,



after working for more than six months, they are requesting to allow to work as License Porter/Coolie at Jaipur Station, which cannot be accepted.

6. Having considered the submissions made on behalf of respective parties and having perused the consent/willingness letters given by the applicants by which they have expressed their willingness to work at Rewari Station and as stated by the respondents that they have never assured to allow them to work at Jaipur Station and in view of the observations made hereinabove, we find no reason to interfere in such matter, as in terms of information given vide No. 6 by the Sr. Divisional Commercial Manager dated 6.4.2010 there is no provision of transferring the License Porters/Coolies from one station to another station.

7. Therefore, in view of the facts and circumstances of the case, we find no merit in this OA and no interference, whatsoever, is called for. Consequently, the OA as well as Misc. Application for condonation of delay are dismissed with no order as to costs.


(ANIL KUMAR)
Admv. Member

R/


(JUSTICE K.S.RATHORE)
Judl. Member