

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.748/2018

New Delhi, this the 26th day of February, 2018

Hon'ble Mrs. Jasmine Ahmed, Member (J)
Hon'ble Mr. Uday Kumar Varma, Member (A)

Smt. Neeta Shrivastava,
D/o Shri B.N. Shrivastava,
Aged 53 year
Working as Parcel Clerk
Under Chief Parcel Supervisor,
Northern Railway, Parcel Office
Hapur (U.P.)

....Applicant

(Through Shri Manjeet Singh Reen, Advocate)

Versus

Union of India & others : through

1. The Secretary,
Ministry of Railways
Railway Board,
Rail Bhawan, New Delhi
2. The General Manager,
Northern Railway,
Baroda House, New Delhi
3. The Divisional Railway Manager,
Northern Railway,
Moradabad Division,
Moradabad (U.P.)
4. The Divisional Railway Manager,
Northern Railway,
State Entry Road,
DRM Office, New Delhi

....Respondents

O R D E R (Oral)

Mrs. Jasmine Ahmed, Member (J)

The applicant was initially appointed as Mobile Booking Clerk (MBC). The Railway Board issued circular dated 20.04.1985 on the question of absorption of MBCs in regular employment of Railways. The applicant was regularized as MBC on 16.02.2000. Some of the colleagues of the applicant filed OA 551/2002, **Nand Kishore and others Vs. Union of India** praying for identical reliefs. The said OA was allowed by the Tribunal vide order dated 30.04.2004. The respondents preferred Writ Petition No.1932/2005 before Hon'ble High Court of Delhi. Some other colleagues of the applicant filed OA 1706/2008, **Nabi Mohd. and others Vs. Union of India and others**, which was disposed of by the Tribunal with the direction to treat the OA as a supplementary representation and dispose of the same by passing a reasoned and speaking order. The respondents vide their order dated 12.08.2009 complied with the order of the Tribunal in Nabi Mohd. (supra). The Hon'ble High Court dismissed the Writ Petition vide its judgment dated 1.11.2010, upholding the order of the Tribunal and declaring the employees entitled

to the benefit of temporary status after completion of 120 days of service from the dates of their initial appointment and after completion of 3 years, for regularization. The Hon'ble Apex Court dismissed the SLP filed against the judgment dated 1.11.2010. In compliance of the directions of this Tribunal in Nand Kishore (supra), the respondents issued letter dated 11.01.2012 granting seniority to all 21 persons from their initial engagement as MBC. The applicant submitted representation dated 10.10.2017 requesting the respondents to extend same benefits as extended to other similarly situated persons without any discrimination. No orders thereon have been passed by the respondents.

2. Having heard the learned counsel for the applicant and gone through the facts and circumstances of the case, we are of the opinion that this OA can be disposed of at the admission stage itself by directing the respondents to respond to the representation dated 10.10.2017 in a time bound manner. In fact, this is one of the prayers also made in the relief clause. Accordingly, the respondents are directed to consider the representation dated 10.10.2017 and pass a reasoned and speaking order thereon within a period of two months from the receipt of

a certified copy of this order. The OA is disposed of. It is made clear that nothing has been commented on merits of the case.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)

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