

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**OA No. 2634/2016
MA-2368/2016**

Dated, this the 21st day of September, 2016

Hon'ble Mr. V. Ajay Kumar, Member (J)

1. Munna Singh S/o Sh. Banwarilal, aged about 46 yrs.
2. Sh. Kishan S/o Sh. Dwarka Prasad, aged about 54 yrs.
3. Lav Prasad S/o Sh. Dhruv Prasad, aged about 37 yrs.
4. Amar Bahadur Thapa S/o Sh. MB Thapa, aged about 38 yrs.
5. Dalip Kumar S/o Sh. Ashok Kumar, aged about 34 yrs.
6. Dhananjay Kumar S/o Sh. Yadu Dutta Shanker, aged about 38 yrs.
7. Raj Kumar S/o Sh. Bali Ram, aged about 29 yrs.

Present Address: All applicants
C/o Sh. Bani Singh Verma, H. No. A10/91, East Gokalpur, AMR Colony, Delhi.
... Applicants

(By Advocate: Sh. U. Srivastava)

Versus

Union of India through

1. The General Manager, North Railway,
Baroda House, New Delhi.
2. The Principal/OIC,
S&T Training Centre Ghaziabad(UP). ... Respondents

ORDER (ORAL)

Heard the learned counsel for the applicant.

2. M.A. for joining together, is allowed.
3. The applicants filed the present OA seeking the following reliefs:

"a) directing the respondents to place the relevant records pertaining to the present OA before the Hon'ble Tribunal for the proper adjudication in the matter.

(b) directing the respondents to consider and finalize the case of the applicant for re-engagement either directly or through contractors pending in the shape of representation vide its dt. 24.12.15 with all other consequential benefits in accordance with the relevant rules and instructions on the subject with all other consequential benefits."

4. The applicants earlier filed the OA No. 2341/2009 seeking direction to the respondent Railways to treat them as Staff of Northern Railway by absorbing them permanently and regularising their services in conformity with the statutory provisions as are applicable to the non-statutory employees of the canteen. The said OA was dismissed by this Tribunal on 21.09.2010. Writ Petition No. 3774/2011 filed by the applicants against the said order of this Tribunal was also dismissed by order dated 30.03.2012 by holding that:

"In view of the above-referred decision, it cannot be disputed that the persons working in a mess run by trainee officers cannot be said to be a mess run by the Railways. The persons working therein cannot be said to be railway employees and no direction can be given for their regularization in the service of Indian Railways.

For the reasons stated herein above, we find no merit in the writ petition and the same is hereby dismissed, without any order as to costs."

The review petition No. 117/14 in Writ Petition No. 3774/2011 was also dismissed on 09.05.2014.

5. In the aforesaid circumstances, since the applicants were declared as not civil servants, this Tribunal has no jurisdiction and accordingly this OA is dismissed. However, the applicants are at liberty to avail their remedies in accordance with law. No costs.

**(V. Ajay Kumar)
Member (J)**

/ns/