

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.3744/2013

New Delhi, this the 5th day of April, 2017

Hon'ble Mr. P.K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

1. Soni Lal S/o Sh. Ladu Ram,
R/o Vill, Dwarkapura, P.O. Jahota
Tehsil Amer Distt. Jaipur (Raj.)
2. Prem Chand Sharma
S/o Sh. Ram Dayal Sharma
R/o 200 Foot Road, Near Sardar Police Station
Pandit Colony, Alwar (Raj.)
3. Ramesh Jat S/o Sh. Hema Ram,
R/o Vill. Apajpura, P.O. Chomu vya Jaitpura,
Distt. Jaipur (Raj.)
4. Bhagchand S/o Sh. Rameshchander Saini,
R/o Plot No.5, Madhav Nagar, Kartarpura, Jaipur (Raj.)
5. Shankar Lal S/o Sh. Mohan Lal
R/o C/88, Shyam Marg, Shastri Nagar
Jaipur (Raj.)
6. Surender Kumar S/o Sh. Ved Parkash,
R/o Chothmal House, Gandhi Kirayana Store,
Khatipura Road, Hasanpura, Jaipur (Raj.)
7. Rakesh Saini S/o sh. Bajrang Lal Saini

R/o Plot No.72, Durga Colony, Vistar Mandal, Behind
N.B.C., Harwada Mode, Khatipura, Jaipur (Raj.)

8. Diwan Singh, S/o Sh. Ganga Sahai,
R/o Hasanpura No.A, Yadav Ka Chowk,
H. No 238, Jaipur (Raj.)

All are parcel porters who have worked under Contractor
at North-Western Railway, Jaipur Division under Sh.
Umesh Paliwal contractor, Railway Parcel Lease Holder,
246, Kamla Market, Asaf Ali Road, Delhi.

.....Applicants

(By Advocate Mr. Yogesh Sharma)

Versus

1. Union of India through the General Manager,
North Western Railway, Jaipur.
2. The Divisional Railway Manager
North Western Railway, Jaipur,
3. The Railway Board,
Through the Director Freight Marketing
Rail Bhawan, New Delhi. Respondents

(By Advocate: Mr. Shailendra Tiwary)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

The applicants seek benefit of Circular dated 25.11.2011,
which has been issued in consequence of the judgment of the

Hon'ble Supreme Court dated 22.08.2003 passed in Writ Petition (Civil) No. 433 of 1998 and other connected Writ Petitions – **A.I. Railway Parcel & Goods Porters Union vs. Union of India & Ors.**, [2004 (1) SC SLJ 150].

2. The applicants in this OA claim that they are covered by the Circular dated 25.11.2011, whereas the respondents in their reply have stated that the applicants are not entitled to get the benefit of the said Circular but no specific reason has been mentioned as to why they are not eligible for entitlement of the benefits accruing from Circular dated 25.11.2011. Again, it is stated that in the reply that the applicants had earlier filed OA No.199/2004, which was decided by this Tribunal vide order dated 23.01.2004, and in compliance of directions of the Tribunal in the said OA, the case of applicants' regularisation in Railways was considered but they were not found fit as they did not fulfil the conditions, as prescribed by the Railway Board from time to time. Again, no specific reasons have been cited by the respondents and as to how the applicants did not fulfil the prescribed conditions.

3. In view of the facts and circumstances of the case, we dispose of the OA with a direction to the respondents to

consider the case of the applicants in the light of the Circular dated 25.11.2011 as well the order dated 23.01.2004 passed in OA No.199/2004. In case the respondents hold that the applicants are not eligible to get the benefit of that Circular, then pass a detailed and speaking order stating clearly as to on what grounds they are not eligible for the benefit of Circular dated 25.11.2011, within a period of 90 days from the date of receipt of a certified copy of this order, and in case, the respondents come to the conclusion that the applicants are indeed covered by the Circular in question, then the respondents shall grant them the said benefits of the Circular dated 25.11.2011, within a period of further 90 days. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

(P.K. Basu)
Member A)

/mk /