

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No-4065/2015

Order Reserved on 08.01.2016

Order Pronounced on: 12.01.2016

Hon'ble Mr. Sudhir Kumar, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Technical Employees Association of Railways

Through

1. J.P. Mishra, Age-53
s/o P.L. Mishra
203/B-3, Western Railway Colony,
Tuglakabad, New Delhi-110044.
2. Ajit Singh, Age 47
s/o Late Shri Jagar Singh
House No. 9771, Street No.5,
Mohalla Kot Managal Singh,
Ludhiana, Punjab.
3. Harbhajan Singh Chugh, Age 50
s/o Sardar Joginder Singh
House No. 147, Dugri,
Ludhiana, Punjab.
4. Satish Kumar, Age 55
s/o Gyan Chand,
House No. 144E,
Railway Colony No.3,
Pathankot, Punjab.
5. Parwar Singh, Age 52
s/o Shri Gurdev Singh
Village Malik, Tehsil Jagroan,
Ludhiana, Punjab.
6. Preetpal Singh, Age 25
s/o Jagmail Singh,
House No. 1713
Street No. 17,
Guru Nank Colony,
Ludhiana, Punjab.
7. Dinesh Kumar, Age 30
s/o Shri Prem Chand,

Village Bathona,
PO Suron,
Tehsil Rajpura,
Distt, Patiala, Punjab.

-Applicants

(By Advocate: Shri Vinod Zutshi)

Versus

1. The Secretary
(Railway Board)
Ministry of Railways
Rail Bhawan, Raisina Road
New Delhi.
2. General Manager,
Central West Railway, Jabalpur, MP
3. Divisional Railway Manager
West Central Railway, Kota Rajasthan
4. Sr. Divisional Electrical Engineer (TRS)
Electric Loco Shed
West Central Railway
Tughlakabad, New Delhi.

-Respondents

ORDER

Per Sudhir Kumar, Member (A):

Heard the learned counsel for the applicants on the point of admittance of the case for the purpose of issuance of notice.

2. When this case was first listed for admission on 04.11.2015, the learned counsel had sought some time to examine as to whether an unrecognized Association could also espouse cause of Railways' employees by means of an application u/s 19 of the Administrative Tribunals Act, 1985, for which time was granted. The case later came up before another Coordinate Bench, including one of us, on 16.12.2015, when the case could not be heard by that Bench. Thereafter the case has been listed before this Bench for hearing on the point of admission.

3. Learned counsel for the applicants has submitted that there is an Association by the name of “Technical Employees Association of Railways”, and though out of the 7 applicants of this OA, the Applicant No.1, who is a Technician in the Railways, is the President of that Association, and he has filed this OA as an individual applicant, he is actually representing that Association, namely the “Technical Employees Association of Railways.”

4. However, it is seen that none of the 7 individual applicants, who have filed this OA, have not indicated anywhere as to how and in what manner, and on the basis of which documents, they are permitted under the by-laws and Rules and Regulations of the said “Technical Employees Association of Railways” to take up a cause on behalf of that Association. Rule-4 (5) (b) of CAT (Procedure) Rules, 1987 provides for an Association being permitted to file and maintain a case before this Tribunal by stating as follows:-

“(b) Such permission may also be granted to an Association representing the persons desirous of joining in a single application **provided, however, that the application shall disclose the class/grade/categories or persons on whose behalf it has been filed [Provided that at least one affected person joins such an application].**”

(Emphasis supplied)

5. It is seen that in the instant case all the 7 applicants have joined together and filed this case in their individual capacities, and none of them have indicated that any of them is an Office Bearer of the

Association, and is/are permitted by the By-laws, Rules and Regulations of their Association to sue, and to be sued, on behalf of that Association.

6. We asked the learned counsel for the applicants as to whether he would like to seek permission to amend the Memo of Parties, and delete the heading of “Technical Employees Association of Railways Through”, and then seek to continue the hearing of the present OA, as a joint petition of 7 individual applicants, but he has refused to do so, and he insists that this is a petition filed on behalf of the said Association, which represents hundreds and thousands of Railway employees, who are Technicians in the Railways.

7. We also recall that a similar case had come up before us only yesterday, i.e., on 07.01.2016, in which an “Ad-hoc Association of Trainee Scientists CSIR” had sought to file an OA on behalf of their Association. While arguing on the point of admitting that OA, the learned counsel for the 47 applicants therein had agreed to amend the Memo of Parties, and orders as follows had been passed by the same Bench; bringing that case within the ambit of Rule 4(5)(a) of the CAT (Procedure) Rules, 1987 :-

“4. It is seen that even though the OA No.4552/2015 purports to have been filed on behalf of “Ad hoc Association of Trainee Scientists CSIR”, none of the office bearers of that association are applicants in this OA in their Office Bearer Capacities. All the 47 applicants in this O.A. have filed this case in individual capacities. Therefore, Registry is directed to change the cause title of the case, and list it in future as **“Paritosh Singh & others Vs. M/O Science and Technology & Others.”**

5. Learned counsel for the applicants also seeks leave & permission to amend the cause title, by deleting the

names of the Respondents R-3 to R-16, who have wrongly been named as party-respondents in their individual capacities. He may assail the actions of the official respondents only in their official capacities, and is permitted to amend the memo of parties accordingly”.

8. But, unfortunately, in the instant case, the learned counsel for the 7 applicants who have filed this case has refused to make any amendment to the Memo of Parties and its cause title, and to try to bring the OA within the ambit of Rule-4 (5)(a) of the CAT (Procedure) Rules, 1987.

9. From the law as laid down in this regard, it is clear that apart from the provision of Rule-4 (5) (a) (supra), in which the Association can join in a single application, provided that it discloses the class/grade/categories or persons on whose behalf it has been filed, and at least one affected person joins in filing the application in his individual capacity, it has been held in many cases that in such situations, the Associations filing such OAs should not only disclose the class/grade/categories of employees which they represent, but should also disclose and give the number of its Members, who are the persons on whose behalf the Association seeks redressal of a common grievance of those persons in the class/grade/categories of employees, even though all of them are not before this Tribunal in their individual capacities, and only one individual applicant has joined, in a representative capacity.

10. In the absence of such details having been provided, either in the Memo of Parties, or in the body of the OA as filed, in sufficient detail, we

find that the present OA is not maintainable under Rule-4(5)(b) of CAT (Procedure) Rules, 1987. And since the learned counsel for the applicants has refused to amend the O.A. as filed to bring it within the ambit of Rule 4(5) (a) supra, we cannot issue notices in the O.A. as presently filed.

11. Therefore, the OA is rejected *in limine*.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

cc.