

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA-2713/2018

New Delhi, this the 30th day of August, 2018

Hon'ble Sh. K.N. Shrivastava, Member (A)

Hon'ble Sh. Ashish Kalia, Member (J)

Sh. Virendra Singh Pal, Age-51 years,
S/o late Sh. Dhan Singh Pal, Group-C,
Commercial Supervisor
North Eastern Railway
Roshanpur
Under Divisional Railway Manager,
North Eastern Railway Izatnagar.

... Applicant

(through Ms. Meenu Mainee)

Versus

Union of India through
1. Secretary,
Railway Board,
Ministry of Railways
Rail Bhawan, New Delhi.

2. General Manager,
North Eastern Railway
Gorakhpur.

3. Divisional Railway Manager,
North Eastern Railway, Izat Nagar.

... Respondents

ORDER(ORAL)

Hon'ble Sh. K.N. Shrivastava, Member (A)

The Railway Board, on the recommendations of the Railway Convention Committee (RCC), had introduced a scheme of requisitioning the services of volunteers from amongst the student sons/daughters and dependents of Railway employees as Mobile Booking Clerks (MBC). The Railway Board, later on issued Annexure A/2 dated 21.04.1982 to all the Chief Managers of the Indian Railways which, *inter alia*, stated as under:

“ 2. The question of regularisation of these volunteer Booking Clerks through screening a Departmental committed for absorption on the Railways was again discussed by the NFLR during PNM meeting held with the Board on 23rd and 24th December, 1981. After taking into account all aspects of the case the Ministry of Railways have decided that these Volunteer/Mobile Booking Clerks who have been engaged on the various Railways on certain rate of honorarium per hour or per day may be considered by you for absorption against regular vacancies provided that they have the minimum qualifications required for direct recruits and have put in a minimum 3 years service as Volunteer/Mobile Booking Clerks. The screening for their absorption should be done by a Committee of Officers including the Chairman or a Member of the Railway Services Commission concerned.”

The scheme was challenged upto the Hon'ble Apex Court who dismissed the SLP filed against the said scheme in the case of Neera Mehta.

2. In terms of the Annexure A/2 communication of the Railway Board, the applicant's services were regularized in the post of MBC and Annexure A/1 order dated 05.10.2005 came to be issued. The grievance of the applicant is that in terms of Annexure A/2 communication of the Railway Board, his services ought to have been regularized on completion of three years of service and after undergoing the prescribed training program by him. More specifically, the applicant's claim is that he was appointed as MBC on 26.11.1997 and as such in terms of Annexure A/2 communication; his services ought to have been regularized w.e.f 26.11.2000, i.e. after completion of three years of service.

3. Ms. Meenu Mainee, learned counsel for the applicant submits that the applicant has made Annexure A/12 representation dated 18.08.2016 to the Chairman, Railway Board, which has not yet been decided. She submits that the applicant would be satisfied, at this stage, if a time bound direction is given to respondent no. 1, Secretary Railway Board, to decide the representation of the applicant.

4. Having regards to the submissions made and without going into the merits of the case, the OA is disposed of with a direction to respondent no. 1 to decide

Annexure A/12 representation of the applicant within a period of three months from the date of receipt of certified copy of this order by way of a reasoned and speaking order. Needless to say that the applicant shall have the liberty to take recourse to appropriate remedy as available to him under law in case he remains dissatisfied with the order to be passed by the respondents on his representation.

(Ashish Kalia)
Member (J)

(K.N. Shrivastava)
Member (A)

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