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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 153/2016

% *Judgment dated 8th January, 2016*

ROOP CHAND Petitioner

Through : Mr.A.K. Trivedi, Adv.

versus

UNION OF INDIA & ANR Respondents

Through : Mr.J.K. Singh, Standing counsel for
Railways.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

G.S.SISTANI, J (ORAL)

1. Challenge in this petition is to the order dated 26.3.2012 passed by Central Administrative Tribunal (in short the 'Tribunal') in RA No.90/2012 and the order dated 3.11.2014 passed in C.P.No.550/2013 in O.A.No.1154/2011.
2. Learned counsel for the petitioner submits that the petitioner is primarily aggrieved by the observations made by the Tribunal in para 5 of the order dated 26.3.2012, relevant portion of which read as under:

“5. All these orders of the Apex Court relate to the claims of Parcel and Goods Porters for regularization. We have not given any specific direction to the respondents in view of their submission that no such post is available. Since a seniority list has been prepared by them, all that has been stated is that in case in future regular appointment to the post would be considered then the case of the applicant should be considered on the basis of his seniority and eligibility.”

3. Learned counsel for the petitioner points out that the petitioner was initially engaged in the year 1986 as Parcel Portar through a railway contractor at Northern Railway Station, Gurgaon, upto 31.5.2000, when the contract system for Parcel Portars was abolished, which led to the filing of O.A. 1154/2011, which was decided on 28.2.2012, when the following directions was issued:

“7. However, as and when a vacancy arises in the rank of Railway Parcel Porters, the applicant should be considered as his name occurs in the original panel drawn up by the Railways and regard being had to be latest judgment of the Hon’ble Supreme Court dated 17.11.2009, there is no difficulty in giving such regularization. The O.A. is accordingly disposed of in terms of the aforesaid direction. No costs.”

4. Learned counsel for the petitioner submits that thereafter the respondent herein filed A review petition wherein the Tribunal had observed that the Tribunal had not given any specific direction to the respondent in view of their submission that no such post is available. Counsel further submits that in the review petition without any prayer made by either of the parties, the earlier directions could not have been withdrawn.
5. Mr.J.K. Singh, learned standing counsel for the Railways/respondent no.2, enters appearance on an advance copy and has drawn the attention of the Court to the communication dated 6.2.2014, more particularly para 5, concluding portion of which reads as under:

“5. However, your case for appointment as Parcel Porter in terms of judgment/orders of Hon’ble CAT, New Delhi will be considered if in future the quantum of parcel work increases and the Railway Administration will deem it necessary in administrative interest to appoint Parcel Porter.”

6. Counsel for the respondent no.2 further submits that the Railways stands by its decision that as and when the vacancy arises as per seniority the case of the petitioner would be considered in compliance with the directions passed by the Tribunal in O.A.No.1154/2011 on 28.2.2012 and the observations that “*We have not given any specific directions to the respondents would not come in the way of the petitioner.*”
7. We have heard learned counsel for the parties, considered their rival submissions and also examined the impugned orders passed by the Tribunal. Having regard to the observations made by the Tribunal and in view of the stand taken by the Railways in the communication dated 6.2.2014, we are of the view that no further orders are required to be passed as the grievance of the petitioner has been satisfied. In view of the stand taken by counsel for respondent no.2, present petition is disposed of.

G.S.SISTANI, J

SANGITA DHINGRA SEHGAL, J

JANUARY 08, 2016

msr