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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2941/97

New Delhi this the 9th day of May, 2000.

HON'BLE MR. JUSTICE V. RAJAGOPALA REEDY, VICE-CHAIRMAN
HON'BLE MRS. SHANTA SHAstry, MEMBER (ADMNV)

Shri Anu Prasad,
S/o Shri Lallu Prasad,
Ex. Bungalow Khalasi,
under Controller of Stores,
Northern Railway, Baroda House,
New Delhi.

...Applicant

(By Advocate Mrs. Meenu Maine, proxy for Sh. B.S. Maine,
Counsel).

1. Union of India through the
General Manager,
Northern Railway, HQ Baroda House,
New Delhi.

2. The Chief Administrative Officer,
COFMOW, Indian Railways,
Tilak Bridge,
New Delhi.

3. The Assistant Secretary to
the General Manager,
Northern Railways,
Baroda House,
New Delhi.

...Respondents

(By Advocate Shri R.P. Aggarwal)

O R D E R (ORAL)

By Reddy, J.:-

The applicant was appointed as a Bungalow Khalasi to work with Mr. B.K. Singh, Controller of Stores initially for a period of three months, by order dated 28.2.96. It was stated in the order that the period of engagement was extended by a period of three months each time. It was also stated that the applicant was entitled, on completion of two years of regular service for the grant of the temporary status subject to finding his work satisfactory. The applicant states that he has been working to the best of his ability and without any complaint with Mr. B.K. Singh. However, surprisingly, by the impugned



order dated 21.3.97, the applicant has been removed from service w.e.f. 1.3.97. The applicant made a representation against the said order, but it has not yet been disposed of. The present O.A. is, therefore, filed, questioning the order of termination.

2. The learned counsel for the respondents submits that the appointment of the applicant is governed by the instructions contained in the proceedings No.10960/95 dated 13.1.95, which relate to the appointment of Bungalow Khallasi. As per these instructions the applicant would attain temporary status only after he has completed two years of continuous service and subject to the report that his services were satisfactory and that his services would be liable to be terminated at any time on the ground of unsatisfactory work report given by the concerned officer to which he was attached. The Discipline and Appeal Rules would apply when the Khallasi would attain the temporary status but since the applicant had completed only a period of one year and as his work was not found satisfactory and as he was found absent unauthorisedly w.e.f. 1.3.97 to 5.3.97, his services have been terminated.

3. We have given careful consideration to the pleadings and the arguments advanced by the learned counsel on either side. It is not in dispute that the applicant has been appointed as Bungalow Khallasi for a period of three months by order dated 28.2.96. The said period was, however, extended from time to time and every time for a period of three months. The proceedings dated 13.1.95, pertains to appointment of Bungalow Khallasis. The relevant portions are extracted below:

 CRB

"The initial appointment will be for a period of three months. The engagement of the Bungalow Khallasi shall purely on contractual basis. In case of any eventuality such as his unwillingness to work as Bungalow Khallasi or he/she is found unsuitable or his/her performance is found unsatisfactory, his/her services shall be terminated. After the initial period of three months, the extension of the services of the Substitute Bungalow Khallasies will be approved in different spells of three months each by the nominated ADRM on the Division and Dy. GM/G in H.Qrs. Office on receipt of satisfactory working report from the Officer concerned. This procedure will be followed upto a total period of two years. After two years the person will be granted temporary status and also screened for regular absorption after conducting screening alongwith other Class IV staff, Grant of temporary status to them will not entitle them to automatic absorption against regular post.....

On having completed two years of continuous service as a Bungalow Peon, the person is granted Ty. Status and become eligible to be screened for the purpose of formation of a panel...

The above conditions are not included in the IREC or IREM as Bungalow peons is a special category as they are neither casual labour nor substitutes. Their service conditions, until they attain Ty. status after completion of two years continuous service, are governed by the administrative orders issued from time to time with the approval of competent authority on Zonal Railways itself.....

The person engaged as Bungalow Peon gives himself in writing that if he is found unwilling to work as Bungalow Peon or the officer who has engaged him as Bungalow Peon gives in writing that the performance of the Bungalow Peon has not been satisfactory, after every three months until he has completed two years continuous service."

4. It is clear that the services of the applicant are liable to be terminated on the basis of the unsatisfactory report given by the concerned officer to which the applicant was attached. In the instant case Mr. B.K. Singh in his official letter dated 14.3.97 has stated that the applicant's work has not been found satisfactory and he recommended that his services be terminated. In the note dated 7.3.97 made by Mr. B.K. Singh it was clearly stated that the applicant was absent unauthorisedly w.e.f. 1.3.97 to 5.3.97 and thereafter he has left for Gorakhpur.



It is also stated that he has committed misconduct earlier which was condoned with instruction to improve in future but he did not care. It was further stated that his work was not satisfactory. Basing upon this note the impugned order of removal has been passed. We do not find any infirmity in this order.

4. The contention of the learned counsel for the applicant that the order of removal cannot be passed without issuing notice, is untenable. The applicant has no right to continue in service, as he has been employed only for a period of three months each time and as per the instructions governing his appointment he was liable to be terminated without assigning any reason or issuing notice. We do not find any violation of the principles of natural justice or any provision of law. The OA, therefore, fails and is accordingly dismissed. No costs.

Shanta Shastray

(SMT. SHANTA SHAstry)
MEMBER (ADMNV)

"San."

Om Rajagopal Reddy

(V. RAJAGOPALA REDDY)
VICE-CHAIRMAN (J)