

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2470 of 2001

New Delhi, this the 8th day of August, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Srichander Vishwakarma
S/o Shri Ram Vilas Vishwakarma
R/o House No.RZ/38-A,
Nursing Garden, Khyala Gaon,
New Delhi.

(60)
-APPLICANT

(By Advocate: Shri U.Srivastava)

Versus

Union of India through

1. The General Manager,
Northern Railways
Baroda House, New Delhi.
2. The Dy.Chief Personnel Officer
Northern Railways
Headquarters Baroda House,
New Delhi.
3. The Assistant Personnel Officer
Northern Railways Headquarters,
Baroda House, New Delhi.
4. Shri R.K.Singh,
Dy. General Manager/G
Northern Railways
Baroda House, New Delhi.
5. Shri Shailender Kumar(Bangla Peon)
C/o Sh.R.K.Singh, Dy,General Manager/G
Northern Railways
Baroda House, New Delhi.

-RESPONDENTS

(By Advocate: Shri R.P.Agarwal)

O R D E R(ORAL)

By Hon'ble Mr.Kuldip Singh.Member(Judl)

The applicant has filed this application challenging the impugned order vide which he was dis-engaged.

2. The facts as alleged in the OA are that the applicant was appointed as Bangalow/Peon/Khalashi and his services had been terminated on the ground that they were not found to be satisfactory. The

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applicant has referred to a judgement of Supreme Court 1993 SCC (L&S) 723 and in particular referred to paragraph 8. and states that he is entitled to be regularised...

3. On the contrary, Shri R.P. Aggarwal, learned counsel for the respondents has stated that as per law laid down Hon'ble Tribunal's judgement in OA 1589/99, wherein it was held that even after conferment of temporary status by a Bungalow Peon/Khalasi, his services could be terminated on the ground of unsatisfactory work without holding a Departmental Enquiry, and termination of the service of a Substitute Bungalow Peon/Khalasi who had acquired temporary status was not bad or illegal merely for want of notice before termination. In this case, applicant has not been conferred with temporary status. As per the judgement cited by the applicant's counsel, his case is different because that case related to a substitute emergency Peon who can be removed anytime either for unsatisfactory work or if not required. In that case it was also argued that the applicant has filed a writ petition before the Hon'ble High Court which does not extend the period of limitation. Ultimately the OA was dismissed.

4. I have heard the case on the merits, I found that the applicant has not been given temporary status for the service rendered as Bungalow Khalasi as there is a Full Bench judgement which says the respondents can terminate the services a of Substitute Emergency Peon on the ground of unsatisfactory work so I think that there is nothing wrong in terminating his services.

JK

(12)

5. In view of the above, OA has no merits and same is dismissed. No costs.

Kuldeep Singh
(KULDIP SINGH)
Member(J)

/kd/