

- 18 -  
CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 897/2000

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

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman (J)  
Hon'ble Shri Govindan S. Tampi, Member (A)

Dr. A.S. Anil  
Assistant Divisional Medical Officer  
Western Railway  
Kota  
R/o 288 C, Kalpna Nagar  
Pipalani, Bhopal.

...Applicant.

V E R S U S

Union of India : Through

1. The Secretary  
Railway Board  
Ministry of Railways  
Rail Bhawan, New Delhi.
2. The General Manager  
Western Railway  
Church Gate  
Mumbai
3. The Chief Medical Superintendent  
Western Railway  
Kota

...Respondents.

O R D E R (ORAL)

Smt. Lakshmi Swaminathan, Vice-Chairman (J)

In this application, the applicant had challenged the order passed by the respondents dated 7-4-2000 terminating his services on expiry of one month from the date of the receipt of the order i.e. 24-5-2000.

2. We have heard learned counsel for the parties and perused the documents on record.

3. One of the main contentions raised by the learned counsel for the applicant was that the respondents had not given him the same treatment as

13

given to his another colleague i.e. Dr. Dinesh Kumar Sahoo. Shri V.S.R.Krishna, learned counsel has further submitted that in the case of Dr. Sahoo the facts were slightly different.

4. However, subsequent to our order dated 16-2-2001, Shri Suman Dovel, learned counsel for the applicant has submitted that he understands that the respondents are prepared to take him back in service and put him on fresh period of probation for a period of two years. He has further submitted that admittedly the applicant has already undergone approximately six months of probation and this period may be taken into account in the total of two years and has prayed that the applicant may be given continuity in service. This has, however, been objected to by learned counsel for the respondents. Learned counsel for the applicant has also submitted that the applicant has already made representation to the respondents for consideration for re-appointment on probation, which as mentioned above, is likely to be favourably accepted by them. Shri Suman Dovel, learned counsel has further submitted that the applicant is willing to join as ADMO with the respondents immediately.

5. Noting the above facts and submissions of the learned counsel for the parties, OA is disposed of with the following directions :-

(i) The respondents may consider the applicant's request for taking him back in service as ADMO and allow him to join that post as soon as

13

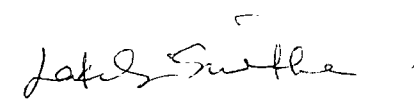
possible and in any case within 15 days from today.  
The applicant shall also not delay joining that post,  
if the offer is made to him ;

(ii) As regards the exemption of six months  
from probation <sup>period</sup> of two years <sup>which the applicant</sup> has already done ,this  
may also be considered sympathetically by the  
respondents, in accordance with law. No order as to  
costs..

6. Let a copy of this order be issued  
immediately to both the parties..

  
(Govindan S. Tampi)  
Member (A).

/vikas/

  
(Smt. Lakshmi Swaminathan)  
Vice-Chairman (J)