

(10) (44)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1764/92

New Delhi this the 10th day of March, 1999.

Hon'ble Sh. T.N. Bhat, Member(J)
Hon'ble Sh. S.P. Biswas, Member(A)

Shri Prahlad Prasad,
S/o Sh. Shyam Mahto,
C/o Sh. H.P. Chakravorty,
Advocate, Bar Room, CAT,
Principal Bench, New Delhi. Applicant

(Present - None)

versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
Estate Entry Road,
New Delhi. Respondents

(Present - None)

ORDER(ORAL)

Hon'ble Shri T.N. Bhat, Member(J)

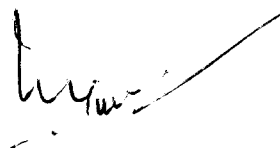
By our order dated 15.7.98 we had referred this matter also to the Full Bench which was already ~~passed~~ ^{seized} of the matter concerning the nature of service of Bungalow Peons/Khallasis in the Railways. The questions that had earlier been referred by another Bench to the Full Bench were; firstly, whether bungalow peons in Railways are Railway employees or not; secondly, whether their services are purely contractual and they can be discharged in terms of their contract; and, lastly, whether upon putting in 120 days continuous service, they acquire the status of temporary employees

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or not, and if so whether upon acquiring such status their services could be dispensed with for unsatisfactory performance only after conducting a departmental enquiry.

2. The judgement of the Full Bench has now come which was delivered on 12.02.99. The Full Bench has held that as a general principle it cannot be laid down that after putting in 120 days continuous service, a Bungalow Peon/Khallasi acquires temporary status and that temporary status could be acquired on completion of such period of continuous service as may be prescribed by the General Manager of the Railway under which the employee works. In the absence of any such rule or instruction from the General Manager, the general instructions like the one given in paragraph 1515 of the Indian Railway Establishment Manual may determine such period of continuous service for the purpose of conferment of temporary status.

3. More particularly, it has been held that even after acquisition of temporary status by a Bungalow Peon/Khallasi, his services can be terminated on the ground of unsatisfactory work without holding a departmental enquiry and that the termination of the service of a substitute Bungalow Peon/Khallasi would not be bad or illegal for want of notice before termination.

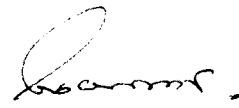


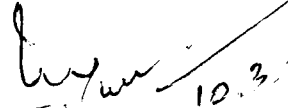
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4. In the instant O.A., the applicant has assailed the termination order and has come to the Tribunal against the alleged inaction on the part of the respondents to take him back in service as a substitute Bungalow Peon/Khallasi.

5. In view of the clear pronouncement by the Full Bench as mentioned above, the relief claimed by the applicant in the instant O.A. would not survive.

6. In view of the above, we dismiss this O.A. as being without merit. No order as to costs is made.


(S.P. Biswas)
Member (A)


(T.N. Bhat)
Member (J)
10.3.99.

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