

Central Administrative Tribunal
Principal Bench: New Delhi

RA 224/97 MA 2252/97 in OA 2642/92

New Delhi, this the 15th day of January, 1998

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Shri K. Muthukumar, Member (A)

(A)

Union of India through

1. General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Financial Adviser & Chief
Accounts Officer, Northern Railway,
Baroda House, New Delhi.
3. The Dy. General Manager (G),
Northern Railway,
New Delhi.Review applicants

(By Shri R.L. Dhawan)

Versus

Dinesh Singh s/o Shri Madan Singh,
C/o Shri B.S. Mainee,
240, Jagriti Enclave,
Delhi.

...Respondents/
original applicants

(By Advocate: Shri B.S. Mainee)

O R D E R (By circulation)

Dr. Jose P. Verghese, Vice-Chairman (J)-

This RA has been filed against our order dated 4th October, 1997 passed in OA No. 2642/92. The said order was an oral one passed in the presence of the parties. The present RA has been filed by a different counsel raising various grounds.

The case of the applicant was that he was appointed as substitute Bungalow Khalasi in accordance with the rules & guidelines but his employment was terminated only on the ground that the officer with whom he was working was transferred and as such his services were not required. The

respondents, in their reply, had stated that the services of the Bunglow Khalasies are of a different nature and the same is co-terminus with that of the officer with whom his services were attached. This court did not agree with the aid contention and rejecting the same, we had directed that the applicant be given a suitable class - IV posting since the termination order on the ground that his services were no longer required was found to be illegal. (B)

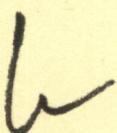
The present review petition has been filed on the ground that as per the rules pertaining to appointments of substitute Bunglow Khalasi, the officer concerned is entitled to recommend a person for appointment and since the officer under whom the petitioner was working was transferred and the person who came in his place did not recommend the petitioner, and as such they were left with no option but to terminate the services of the petitioner on the ground that his services are no longer required. To support this contention, which of course was raised in the main OA, the respondents have now annexed certain rules said to have been issued in January, 1995. On perusal of the said rule, we find that the said rules have been collected together from the existing guidelines and they are in the nature of protecting to mean to protect more the substitute bunglow Khalasies like the petitioner and to protect them from the officer under whom they were supposed to work allowing them to utilise the services of the substitute bunglow Kahalasies, on a hire and fire basis; and quick perusal of the said order shows that any fresh appointment needs prior approval of the General Manager and ordinarily, appointed bunglow Khalasi can be removed only on the ground of his unwillingness, unsatisfactory performance or unsuitability. The termination order shows that his services were

terminated on any of these grounds. "No longer required" can not be a ground prescribed for terminating his services in accordance with the said rules.

(16)

Further in the said order it is shown that after two years a person continues to work in shorter spell of three months each, respondents were to confer temporary status and thereafter his services shall be subjected to a screening for regular absorption and any exchange especially if the in-coming new officer wants to utilise the services of a substitute bungalow Khalasi, prior approval of C.P.O. (Admn.) was necessary and after three years prior approval of General Manager is required. Nowhere in the said OM, it is seen that the incoming officer is entitled to recommend a person for himself.

In the circumstances, this RA merits rejection with a cost of Rs. 500/- to be paid to the Legal Aid Cell of Central Administrative Tribunal Bar Association. A copy of this order may also be sent to the CAT Bar Association.



(K. Muthukumar)
Member (A)



(Dr. Jose P. Verghese)
Vice-Chairman (J)

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