

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Review Petition No.356/93 in
OA 2937/92

New Delhi, This day of 27th September, 1994
Hon'ble Mr. Justice S.K. Bhasin, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

(3)

1. Union of India through,
Secretary,
Ministry of Railways,
Rail Bhawan, New Delhi.
 2. The General Manager,
Northern Railway,
Baroda House, New Delhi.
 3. The Chief Administrative Officer(Construction),
Headquarters Office, Kashmiri Gate,
Northern Railway, Delhi - 6.
- Petitioners
(By Advocate : Sh. K.K. Patel)

Versus

Sh. Bahadur Maruya aged about 22 years
S/o Sh. Brindra Prasad Maurya,
R/o 2-F, State Entry Marg, New Delhi,
working as Substutute Bunglow Khalasi

ORDER

Shri B.N. Dhoundiyal

The prayer made in the review petition is
that the order and judgement dated 15.7.1993 passed
in OA 2937/92 be set aside.

2. The petitioner was appointed as Substitute
Bunglow Khalasi attached with Chief Bridge Engineer
with effect from 24.10.1990 and 23.4.1992. He was
transferred to the bunglow of the the then Chief
Administrative Officer, Sh. V.D. Gupta. He continued
to work there till 19.11.1993 when the impugned order
terminating his services was passed. This Tribunal

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allowed the OA on the ground that having worked for more than six months at the bungalow of Sh. V.D. Gupta, the applicant was entitled to temporary status.

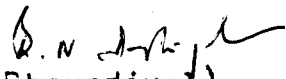
His services could not be terminated by means of an order simpliciter without following the due procedure.


The application was partly allowed and the impugned order dated 19.11.1992 was quashed. However, it was open to the authorities concerned to pass a fresh order on merits in accordance with the law and after following the required procedure. In the review petition the respondents have stated that our judgement is violative of the instructions laid down

by the Railway which lays down two years continuous granting service for temporary status to Bungalow Khalasi.

It may be noted that the original appointment of the applicant as Bungalow Khalasi was on 24.10.1990 and all that happened on 23.4.1992 was that he was transferred to the Bungalow of another officer. He continued to work till 19.11.1993. Even if the two year criterion is applied, he qualifies for temporary status. Hence, nothing will turn on the fact that he had absented himself during part of this period. All that our order enjoins upon the authority is to follow the due procedure.

3. There is no merit in this review petition and
it is hereby dismissed.


(B.N. Dhoundiyal)
Member(A)


(S.K. Dhaon)
Acting Chairman

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