

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 17th day of August, 2004.

Original Application No. 676 of 1997.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Hon'ble Mr. S.C. Chauhan, Member-A.

Rafiq Khan S/o Late Babu Khan
Commission Vendor, Batch No. 278,
Agra Cantt Railway Station, Agra.

At present residing at Lal Kurti, Agra.

.....Applicant

Counsel for the applicant :- Sri V.K. Barman

V E R S U S

1. Union of India through General Manager,
Central Railway, Bombay VT.
2. Divisional Railway Manager,
Central Railway, Jhansi.
3. Chief Catering Inspector, Central Railway,
Agra Cantt.

.....Respondents

Counsel for the respondents :- Sri Prashant Mathur

O R D E R

By Hon'ble Mr. Justice S.R. Singh, VC.

The services of the applicant, who has been working as a Commission Vendor, have been terminated by the impugned order dated 01.08.1996 without assigning any reason whatsoever. Learned counsel for the applicant submitted that the respondents were not justified in terminating the employment of the applicant by a non-speaking order. Learned counsel has further submitted, relying upon the decision of Hon'ble Supreme Court in U.O.I & Ors. Vs. K.V. Devi 1998 SCC (L&S) 539, that the applicant was entitled to be absorbed in the manner

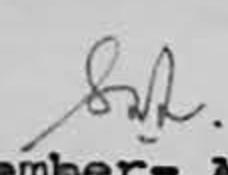
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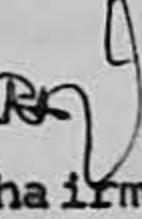
laid-down in T.R. Madhavan, 1998 (SC) 437.

2. Sri P. Mathur, learned counsel for the respondents on the other hand submits that the applicant was only appointed on contract basis in purly temporary capacity and ~~to be red.~~ have no right to absorb. Further there is no relationship ~~of~~ between the master and servant and, therefore, the applicant is not entitled to any relief.

3. Having heard counsel for the parties and upon regard to the fact that the order impugned herein is cryptic one, we ~~set aside the impugned order and~~ dispose of the O.A with direction if the applicant files a representation, the competent authority shall look into the grievance of the applicant and take appropriate decision by a reasoned and speaking order to be passed and communicated to the applicant within a period of 4 months from the date of receipt of representation alongwith copy of this order.

4. There will be no order as to costs.


Member-A.


Vice-Chairman.

/Anand/