

(1) (3)  
Court no.2  
Reserved.

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

ORIGINAL APPLICATION NO.518 OF 1986

Laloo -.... Applicant.

Versus

Deputy Chief Electrical  
Engineer(W) Northern Rly.  
Lucknow. -....

Respondent.

Hon'ble D.S.Misra-AM

Hon'ble G.S.Sharma-JM

( Delivered by Hon'ble D.S.Misra)

This is an application under Section 19 of the Administrative Tribunals Act, 1985 against the order dated 12.7.1986 passed by the Deputy Chief Electrical(W) Northern Railway Lucknow.

2. The applicant has termed this order as an order of retrenchment. The applicant has <sup>ed</sup> ~~claim~~ <sup>Railway</sup> ~~be~~ served the ~~ex~~ department for a period of 970 days since 1971 and has acquired the status of temporary railway servant and his services can not be dispensed with without complying with the provisions of the Industrial Disputes Act, or the terms and conditions of a temporary railway servant as no notice in writing, indicating the reasons for the orders of retrenchment, was served on him.

3. We have heard the learned counsel for the applicant and have perused the documents on record. A perusal of the copy of order dated

12.7.1986 (annexure 2 to the application) reveals that the applicant was screened for appointment as Khalasi in the grade of Rs.196-232, but he was found unsuitable. The contention of the applicant that this order is in the nature of retrenchment-order, is not tenable. The applicant has also filed certificate of his working days, photo copy at annexure-4, which shows that the applicant had worked for 970 days upto 18.6.1983. He does not seem to have worked after that date. According to the provisions of Section 25-B of the Industrial Disputes Act a period of 1 year or 240 days has to be calculated with reference to the order of retrenchment or the date of application and that period should be prior to the same. The applicant has failed to produce any document that he was serving the Railway Department for a period of 1 year immediately before the date of issue of the impugned order. His failure to do so leads to the conclusion that he had ceased to be an employee of the Railway Administration. It appears to us that on the basis of his past service, he was included in the list of persons to be screened for empanelment for appointment as Khalasi and he was found unsuitable. Since the order dated 12.7.83 is neither a termination order, nor a retrenchment

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order, the application is not maintainable under Section 19 of the Administrative Tribunals Act.

In the result the applicant is rejected without any order as to costs.

*A.M. 14.1.87 } J.M. 14.1.87*  
A.M. J.M.

JSingh./14.1.1987.