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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

....

T.A. No. 958 of 1987  
(W.P. No. 904 of 1982)

S.N. Mishra ... .. Applicant.

Versus

Union of India and others ... .. Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. A.B. Gorthi, Member(A)

( Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant ~~was~~ was appointed as Casual Labour on 14.8.1978. According to the applicant he worked for more than 240 days when he was faced <sup>with</sup> ~~to~~ the termination <sup>for</sup> order dt. 7.1.1982, that means he worked <sup>for</sup> more than 4 years, may be <sup>with</sup> ~~but~~ certain breaks. It means that the applicant had attained the temporary status and his services were terminated on the ground of some mis-conduct. No enquiry against the applicant has been made and he was not given an opportunity to defend his case. The respondents have resisted the claim of the applicant stating that he was only a Casual Labour as he was not still in the service. In the circular issued by the Railway Board, the applicant has attained the Temporary status and once if an employee has attained the temporary status, his services can not be terminated, <sup>in this manner</sup>.

2. Accordingly, in these circumstances, the termination of the applicant can not be allowed and it is quashed. The applicant shall be deemed to continue in service but from the date the applicant has not worked or his services has been terminated, he will not be entitled for any back wages or allowances. Now with effect from 1.1.1992, the applicant will be taken back in service

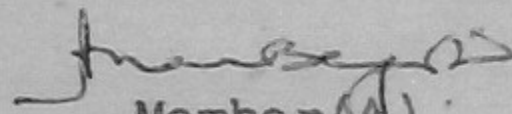
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and even if no work will be taken from him, the applicant will be paid salary regularly. It is thereafter, the respondents can deal with him in accordance with law. The application is disposed of with the above observations. Parties to bear their own costs.

  
Member (A)

  
Vice-Chairman

Dt: 29.11.1991

(n.u.)