

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
Registration O.A.No. 988 of 1987

(821)

(6)  
(6)

Mehs. Shai

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Applicant

Vs.

D.R.M. Central Railway, Jhansi .....

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicant who worked as a casual labour between the years 1984-85 and 1986-87 has approached this Tribunal against the termination orders. The applicant who worked from December 1984 to May 1985 for 145 days and from August 86 to April 87 he had worked for 247 days. The plea on behalf of the applicant is that no proper casual labour service card was issued to them. Although he had attained Temporary Status and with complying with the Rule 149(R1) of the Railway Establishment Code the applicant's services were orally terminated.

2. No counter affidavit to this application has been filed and as such it has got to be accepted that applicant worked during this period. As the applicant had attained the temporary status his services could not have been terminated orally and could have been terminated only in accordance with law. The same has not been done. Accordingly the oral termination order is illegal and unjustified, and the applicant will be deemed to be continuing in service. However it is being made clear that from the date the applicant was wrongly terminated upto 1st January, 1992 the applicant will not be paid any salary or back wages or any allowances. The respondents shall <sup>take</sup> him back in service with effect from 1st January, 1992 and he will <sup>be</sup> paid in accordance with law, and after the date if they will not provide him any work they will pay him salary continuously. The respondents are also directed to issue the casual labour service card for which the applicant claims and he is entitled to. The applicant is allowed as above. There will be no order as to costs.

*Shashi*  
Member (A)

*Les*  
Vice-Chairman

26th November, 1991, Allah.  
(aph)