

5

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD.

O.A.No.157 of 1988.

Udai Bhan.....Applicant.

Versus

General Manager & another Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

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

According to the applicant, he was engaged as Casual Labourer under Divisional Railway Manager, N.E. Railway, Izatnagar on 5.10.77 and with broken period he continued to work upto 30.8.87. From 31.8.87, he was not allowed to perform his duties, although he attained temporary status and in unceremonious manner he was removed from service. He made efforts, including representations, to join his duties, but he was not allowed, that is why he approached this tribunal with the prayer that the respondents be directed to allow him to join the duties.

2. The respondents in their written statement have stated that the applicant was engaged on 10.4.87 and he did not work continuously and as such did not acquire any temporary status.

3. The facts, stated above, indicate that the applicant did work for more than 120 days and accordingly, he attained the temporary status and could not have been terminated in this manner. Accordingly, this application is allowed to the extent that the respondents are directed to treat the applicant in service as casual labourer within a period of six weeks from the date of communication of this order. Although the period may be treated as continuous but no monetary benefits, including back wages and allowances, shall accrue to the

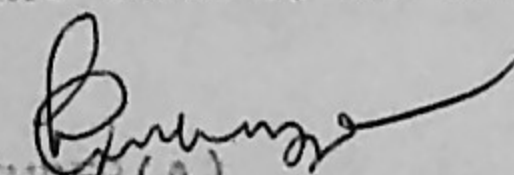
W

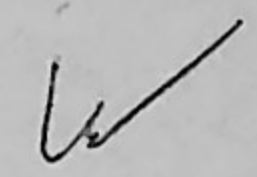
6

(2/8/2)

-2-

applicant during this period i.e. from 31.8.87 upto
two months hereinafter, whereafter even if no work
is taken from the applicant, he will be given salary
like others. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: AUGUST 10.1992
(ug)