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Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No.405 of 1988

Kamla Prasad Applicant

Versus

Union of India & Others Respondents

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

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

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

The applicant after failing to get any redress from the authorities before whom he represented against the oral termination order dated 30.1.86 terminating his services has approached this Tribunal for redressal of his grievance.

2. The applicant was appointed by the Inspector of Works as a Casual Gangman on 15.9.1971. He continuously worked upto 14.10.72 i.e. for more than one year. It appears, that is why, his Casual Labour Card was issued to him as he had attained the temporary status in the Railway service. Thereafter he was appointed again and again with certain breaks. Lastly he was appointed on 20.8.85 and worked till 29.1.86 when a Labour Card was again issued to him.

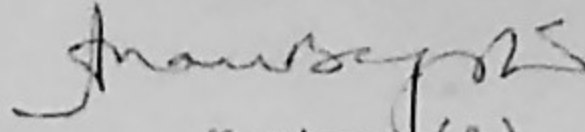
3. The applicant's grievance is that he having attained the temporary status, his services could not have been terminated. More so, persons junior to him were appointed as Khalasi Gangman subsequent to his appointment and are still continuing in service. Even though the time was granted to the counsel for the Union of India but no written statement

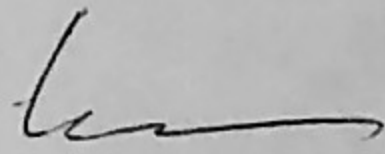
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has been filed. There appears to be no reason why the averments made by the applicant be not accepted. The facts clearly makes it apparent that the ^{oral} termination order was uncalled for. The applicant having attained the temporary status, he could not have been terminated in this manner. Accordingly, the application deserves to be allowed and the termination order, if any, is quashed and the respondents are directed to keep the applicant in service but he will be deemed to be in continuous service for the purposes of seniority and continuity but not for the purposes of any wages as he has not worked during this period may it be for the fault of others. The application is allowed in these terms. It is expected that the applicant will be reinstated ~~back~~^L forthwith. There will be no orders as to costs.


Member (A)


Vice Chairman

Dated the 14th May, 1991.

RKM