

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 24TH DAY OF DECEMBER 1997

Original Application No. 1805 of 1992

HON.MR.JUSTICE B.C.SAKSENA,V.C.

HON.MR.S.DAS GUPTA, MEMBER(A)

Lekhpal Singh S/o Rameshwar
aged about 40 years, R/o Sonbarsa, P.O. Maitha
P.S. Shivli, Tehsil Akbarpur, Kanpur.

... .. Applicant

(By Advocate Shri Satish Dwivedi)

Versus

1. Union of India through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional railway Manager,
Northern Railway, Allahabad.
3. The Senior Traction Foreman
Siropiri, Upaskas, Northern Railway
Phaphund

.. .. Respondents

(By Advocate Shri Amit Sthalekar)

O R D E R (Oral)

JUSTICE B.C.SAKSENA,V.C.

The applicant through this OA challenges an order of termination of services dated 12.9.87. The applicant claims that he was engaged as a casual labour and on completion of 120 days of continuous service he attained the temporary status and termination of his services without seeking the provisions of Rule 9 7 10 of the Railway Servants D & A Rules is bad in law.

2. The respondents in their counter affidavit have indicated that the applicant has not worked for 120 days continuously in a single spell and therefore the question of giving the benefit of temporary status does not arise. They therefore plead that the applicant was only a casual labour and consequently the provisions of railway servants discipline and appeal rules do not apply. We further find that the applicant was discharged from service because the ELA sanction has lapsed. It was not on account of any lapse or misconduct.

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3. In view of the above, there is no merit in the OA and it is dismissed accordingly.

W.C.

MEMBER(A)

Bolaksene

VICE CHAIRMAN

Dated: 24th December, 1997

Uv/