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Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

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Original Application No. 1331 of 1994.

this the 16th day of July'2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)
HON'BLE MAJ. GEN. K.K. SRIVASTAVA, MEMBER (A)

Bhagwan Das Yadav, aged about 23 years, S/o Sri Sohan Lal, R/o 205/153 old Bairahna, Allahabad.

Applicant.

By Advocate : Sri C.P. Gupta.

Versus.

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Nawab Yusuf Road, Allahabad.
3. The Asstt. Personnel Officer, O/o the D.R.M. Northern Railway, Nawab Yusuf Road, Allahabad.
4. The Senior Divisional Electric Engineer, Northern Railway, Allahabad.

Respondents.

By Advocate : None.

O R D E R (ORAL)

RAFIQ UDDIN, MEMBER (J)

The applicant- Bhagwan Das was appointed as a Substitute Bungalow Khalasi under the Sr. DEE/RSO Allahabad for three months vide order dated 3.2.1993 by the Asstt. Personnel Officer, Northern Railway, Allahabad. It was made clear that the applicant was required to work with the present Sr. DEE/RSO/ALD and also to work with the

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next Sr. DEE/RSO/ALD if he later chooses to continue in railway service beyond three months, other-wise the applicant was to be discharged from the railway service. Since the applicant was accepted the terms and conditions of the appointment, he was accordingly appointed as Substitute Bunglow Khalasi under Sr. DEE/RSO, Allahabad vide order dated 3.2.1993. The applicant has now been discharged vide order dated 31.5.1993 w.e.f. 1.6.1993 (A.N.) because the present Sr. DEE does not want his services. The applicant has challenged the validity of this order by means of this O.A.

2. We have heard the learned counsel for the applicant and perused the pleadings on record.


3. It has been contended by the learned counsel for the applicant that the impugned order having been issued without issuing any show-cause notice to him and also without any opportunity against such show-cause notice, ^Rtherefore, the impugned order is invalid, arbitrary and un-reasonable.

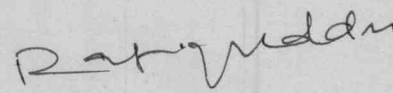
4. The respondents in their Counter reply have disputed the claim of the applicant by stating that ^Rsince the applicant had accepted the terms and conditions mentioned in his appointment letter dated 3.2.1993 (Annexure-2), the ~~order~~ impugned order cannot be said to be arbitrary or illegal. It is stated that continuity of substitute services of the applicant beyond three months was to be reviewed and extended by ADRM on receipt of satisfaction report of the applicant from the officer under whom he was appointed to work as Substitute Bunglow Khalasi. Since the present incumbent namely Sr. DEE Allahabad informed that the services of the applicant was not required by him, he was discharged from the railway service. The applicant has not filed any Rejoinder affidavit rebutting the averments made in the Counter reply. Therefore, the averments made in the Counter reply are to be treated as

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correct. We find from the perusal of Annexure-2 that the applicant was appointed only for three months and his extension was subject to the approval of the satisfactory report from the officer under whom he was appointed. As the concerned officer had not sent the satisfactory report, the applicant was discharged from the railway service. Since the applicant was appointed purely as Substitute Bunglow Khalasi and his extension was subject to the satisfactory report of the officer under whom he was working, we do not find any illegality in the impugned order. We also do not find that there is any violation of the principles of natural justice if the impugned order has been passed without issuing any show-cause notice considering the terms and conditions of the appointment of the applicant.

5. In view of the above, the O.A. has no merit and the same is dismissed. No costs.


MEMBER (A)


MEMBER (J)

GIRISH/-