

(8) 7

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

O.A. No. / 393

1986

~~T.A. No.~~  
~~xxxxxx~~

DATE OF DECISION 17-12-1987

LILAVATI MUNIAN & ORS Petitioner

MR. K. K. SHAH Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS Respondent

MR. R. P. BHATT Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. D. S. MISHRA

: ADMINISTRATIVE MEMBER

The Hon'ble Mr. P. M. JOSHI

: JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal. *No*

(9)

1. Lilavati Munian
2. Chinna Pillai Uralia
3. Anjalai Anamalai,
4. Kolenji Ayyan
5. Manimeghla Karuppan
6. Saraswati Nadan

Casual Labourers  
C/o. The Executive  
Engineer (Const.) II,  
V.G. OKO, PBR. Conversion  
Project, Western Railway,  
Rajkot.

... Applicants

## Versus

1. The Union of India  
Notice to be served through  
the General Manager, W.R.  
Churchgate, Bombay.
2. The Chief Engineer (CN)  
Western Railway,  
Ahmedabad.
3. The Executive Engineer,  
(Const.) II,  
V.G. OKO. PBR Conversion Project,  
Western Railway,  
Rajkot.

... Respondents

Coram : Hon'ble Mr. D.S. Mishra, Administrative Member  
Hon'ble Mr. P.M. Joshi, Judicial Member

ORAL ORDER17.12.1987

per: Hon'ble Mr. P.M. Joshi, Judicial Member

The petitioners (six in all) viz; (1) Lilavati Munian, (2) Chinna Pillai Uralia, (3) Anjalai Anamalai, (4) Kolenji Ayyan, (5) Manimeghla Karuppan and (6) Saraswati Nadan, in this application filed by them on 24.10.1986 under Section 19 of the Administrative Tribunals Act 1985 have challenged the validity of the orders passed in February, 1981; whereby their services are terminated with effect from 20.3.1981 in terms of para 25F (A) of Industrial Disputes Act. According to the petitioners, they are engaged as casual labourers by the respondents as per the table shown below:

- |                         |                |
|-------------------------|----------------|
| 1. Lialvati Munian      | .... 8.2.1979  |
| 2. Chinna Pillai Uralia | .... 5.9.1979  |
| 3. Anjalai Anamalai     | .... 5.10.1979 |
| 4. Kolenji Ayyan        | .... 9.2.1980  |
| 5. Manimeghla Karuppan  | .... 24.1.1984 |
| 6. Saraswati Nadan      | .... 5.9.1979  |

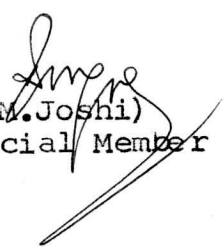
According to the case set up by the petitioners the impugned action on the part of the Respondents - Railway Administration in terminating their services is bad in law on the grounds of inter-alia that they have put in more than 365 days in service and as such, they are covered by the judgment of the Supreme Court in the case of Inderpal Yadav and others vs. Union of India & others (Writ Petition Nos. 147, 320-69 and 454). The respondents in this case have not filed any reply. However, Mr.M.R.Bhatt for Mr.R.P.Bhatt learned counsel appearing for the respondent - railway administration has opposed the application on the common grounds that the impugned action taken by the respondent - railway administration is otherwise legal and valid as the necessary requirements are followed in the case of the petitioners.


2. When the matter came up for regular hearing it was submitted by Mr.K.K.Shah the learned counsel for the petitioner that the case of the petitioner is squarely covered by the decision rendered by this Tribunal on 16.2.1987 by a common judgment in OA/331/86 Sukumar Gopalan and Others. However, according to him the petitioner is extremely poor and he would forego his claim for the back wages if the respondents reinstate him within 10 to 15 days. Mr.M.R.Bhatt for Mr.R.P.Bhatt learned counsel appearing on behalf of the respondents- Railway Administration, equally made a handsome gesture by stating that the respondents will be able to reinstate the petitioner within 10 days at the place where the project work is going on, but in that case, the petitioner

would not be entitled to claim ~~any~~ back wages. Mr.K.K.Shah responded by stating that the petitioner is willing to work and accept the job at the place offered by the respondents. Both the learned counsels for the parties have requested the Tribunal to pass orders and direction in terms of their concession.

3. For the reasons stated above, we partly allow the application and quash the impugned action and direct the respondents - railway administration to reinstate the petitioner within 10 days from the date of this order by offering the same job of a Casual Labourer at the place convenient to them. However, the petitioners, being reinstated, will have no claim for back wages.

With the aforesaid direction the application stands disposed of with no order as to costs.

  
(P.M.Joshi)  
Judicial Member

  
(D.S.Mishra)  
Administrative Member