

CORAM : HON'BLE MR. P. M. JOSHI .. JUDICIAL MEMBER

28/10/1987

ORAL ORDER

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner Shri Raising Dalla, who was serving as a Gangman (Casual Labour) has challenged the oral order of termination dated 17.10.1985 and he has therefore claimed re-instatement with back wages. The respondents/Railway Administration has opposed the application on the ground that the services of the applicant were terminated on the ground of medical unfitness.

During the pendency of the proceedings of this application, the respondents were directed to examine the possibility for engaging the applicant as Casual Labour. In this regard, Mr. G.L. Gupta, the learned counsel for the respondents/Railway Administration states that he has recently received the instruction that the applicant can be engaged as Chowkidar at Ratlam provided he will have no right to claim regularisation against his post and he withdraws the present application without any claim or costs. Mr. Y.V. Shah, learned counsel for the applicant states that the applicant is willing to work as Chowkidar and he may not claim regularisation against the post of Chowkidar but, since the applicant has worked in past as Casual Labour for a considerable length, his past services be taken into account for regularisation as class-IV employee as and when occasion arises, and in accordance with the rules. The request of the applicant seems to be quite just and reasonable. The respondent/Railway Administration will engage the applicant as Chowkidar at Ratlam

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and the applicant will report for duty within 10 days. The respondent/Railway Administration will consider the past services of the applicant only for the purpose of regularising the applicant for the post of class - IV employee in case he is found eligible and that too in accordance with the rules. With these observations, Mr. Y.V. Shah seeks permission to withdraw the application, with a liberty to move this Tribunal in case any difficulty arises in this regard. The permission is granted accordingly and the case therefore disposed of as withdrawn with no order as to costs.

Joshi
(P M Joshi)
Judicial Member

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