

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXX~~

AHMEDABAD BENCH

O.A. No. 515 of 1987

~~T.A. No.~~

DATE OF DECISION 22-07-1991

Shri Bhaba Madhu & Ors. Petitioner

Shri P.J. Bhatt Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh

:Administrative Member

The Hon'ble Mr. S.Santhana Krishnan

: 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 ? *Yes*

(9)

1. Bhaha Madhu,  
Village Mithi Road,  
Tal. Anjar,  
DIST. KUTCH.
2. Karu Huraji,  
Village Mithi Road,  
Tal. Anjar,  
DIST. KUTCH.
3. Sura Tapu,  
Village Mithi Road,  
Tal. Anjar,  
DIST. KUTCH.
4. Biswa Mohan B.,  
Railway Colony,  
GANDHIDHAM.
5. Ravindra Gobinda,  
Railway Colony,  
GANDHIDHAM.
6. Dhushasan Udanath,  
Railway Colony,  
GANDHIDHAM.
7. Sukant Snakar,  
Railway Colony,  
GANDHIDHAM.

: Applicants

Versus

1. The Union of India, to be served  
through, The Ministry of Railways,  
Rail Bhavan,  
NEW DELHI.
2. The General Manager,  
Western Railway,  
Church Gate,  
BOMBAY.

: Respondents

J U D G E M E N T

O.A. No.515 of '87

Date : 22-07-1991

Per : Hon'ble Mr. S.Santhana Krishnan : Judicial Member

This application under Section 19 of the Administrative Tribunals Act, 1985, filed by the applicants require the respondents not to relieve the applicants from the post of Khalasi, they are holding and also restraining them from replacing any new persons.

*Ad*

(A)

2. The details in the application are very vague and uncertain. It is claimed that the applicants are working as Khalasi for over five years and the Railway authority issued a circular in which scheme for the absorption of workman who had worked in the Railway as permanent employees, has been framed. It is not stated in the application how many days in a year each applicant worked as Khalasi under the respondents. Further it is claimed that the respondents informed the applicants on 16.10.1987, that they need not report for duty from 17.10.87. This amounts to verbal termination and the applicants have not even chosen to pray for setting aside the order of termination.

3. Further there are seven applicants in this application and admittedly they worked under the respondents on different dates in a year. There are no allegations in the application as to how the seven applicants joined together and filed one common application. The applicants have not even of Central Administrative (Procedure) Rules, 1987, filed any application under Rule-4, sub Rule-5, seeking permission to file joint application. Even on this ground the application is liable to be dismissed.

4. The respondents have not chosen to file any writtem reply. This does not absolve the applicants from establishing their claim. Annexure A-1, in the circular produced after filing of the application does not deal with any scheme regarding the Khalasis. The copy of the service cards produced by the applicants show that they have worked under the Railways as casual labourers for certain period in a year. But all the service cards do not show that any of the applicants worked under the respondents till 15.10.1987, as claimed by them. The applicants have chosen to produce an order wherein it is stated that 8 employees were considered to be relieved from 15.10.1987. This is only a copy and it

*Am*

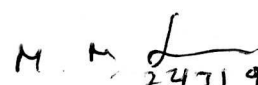
(19)

is not even stated who issued this order. Even taking for granted that this order was issued by the respondents, it is not clear from the order whether it refers to the applicants or some other employees. Hence this order <sup>does</sup> not refer the applicants. In fact it is the contention of the applicants in their application that they were asked not to report for duty by an order as we see from para 3 of the application. Hence this written termination order cannot be taken as that of the applicants.

5. As the applicants have not even alleged in the application the number of days each applicant worked under the respondents in a particular year, they cannot place reliance on the copy of the service cards now produced. Further as already stated there is no prayer for setting aside the order of termination whether it is oral or in writing. When once it is admitted that there is an order of termination unless it is set aside, the applicants cannot claim that they should be allowed to continue in service or the respondents be restrained from relieving the applicants. For all these reasons the applicants cannot claim any relief on the basis of allegations made in the application.

6. In view of the forgoing discussion we find no option, but to dismiss the application and accordingly the application stands dismissed. Nor order as to costs.

  
(S. SANTHANA KRISHNAN)  
Judicial Member

  
(M.M. SINGH)  
Administrative Member