

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

MAH 569188 & MA 1542188
with

O.A. No.
~~T.A. No.~~
XXXXXXX

193 OF 1988

DATE OF DECISION 16-08-1988

Mr. Muthuswamy & Ors. Petitioner

Shri R.K. Mishra Advocate for the Petitioner(s)

Versus

The Union of India & Ors. Respondent

Shri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.M. Joshi : Judicial Member

The Hon'ble Mr. P.K. Mallick : Administrative 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*

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1. Mr. Muthuswamy, and Ors.,
All, C/o.P.W.I(P.R.Q.S.),
Western Railway,
Bharuch.

.....Applicants,

Versus

1. The Union of India,
through Sectetary,
Ministry of Railways,
Government of India,
New Delhi.
2. General Manager,
Western Railway,
Churchgate,
Bombay.
3. Divisional Railway Manager (DRM),
Western Railway,
Pratapnagar,
Baroda.
4. Senior Divisional Engineer,
Western Railway,
Pratap Nagar,
Baroda.
5. Permanent Works Inspector, (PQRS),
Western Railway,
Bharuch.

.....Respondents

M.A./569/88

&

M.A./542/88

in with

O.A./193/88

Coram : Hon'ble Mr. P.M. Joshi : Judicial Member
Hon'ble Mr. P.K. Mallick : Administrative Member

O R A L - O R D E R

16/08/1988

Per : Hon'ble Mr. P.M. Joshi : Judicial Member

In this application, filed by 365 casual labourers under Section 19 of the Administrative Tribunals Act, 1985, They have challenged the validity of the notice dated 26-2-1988, where by they apprehended that their services were sought to be terminated. According to them they are working as Casual labourers with the

....3/-

Railway Administration for more than a year and their services can not be terminated, without complying with the requirements of the Section 25 (F) of the Industrial Disputes Act 1947. When the matter came up for admission the respondents were directed not to disturb the petitioners in their present employment vide orders dated 21-3-1988.

2. The respondents Railway Administration in their counter filed on 7-4-1988 have stated that the impugned orders contained in the notice dated 26-2-1988 are not served upon the petitioners. According to them, when there are number of casual labourers who are surplus as some of the projects have been completed and instead of terminating the services of such casual labourers, they have decided to offer employment to such surplus casual labourers at Bharuch and accordingly, notice dated 26-2-1988 was placed on the Notice Board. It is further submitted that they have invited the willingness or unwillingness of the employees regarding their deployment but they have not received the required response from the employees. The respondents have also moved the Tribunal to vacate the interim relief by filing M.A./542/88 and the petitioners in the meantime ~~have~~ have also filed M.A./569/88 seeking production of certain documents from the ^{possession} ~~position~~ of the respondents.

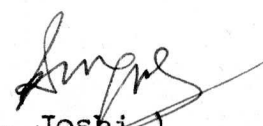
3. We have heard Mr. R.K. Mishra and Mr. N.S. Shevde the learned counsels for the petitioners and the respondents respectively at a considerable length. During the arguments, it has been stated that the petitioners are likely to be retrenched, in case they did not accept the order to deployment in the division. It is also gathered by us from the learned counsel of the petitioners that they are willing to work at the place indicated by the Railway Authorities within the division and

they have indicated the same in their pleadings also. According to Mr. N.S. Shevde they have not been able to take any decision in view of the interim order passed by this Tribunal. In his submission, in view of the position declared by the respondents, perhaps, there will be no cause for the petitioners to pursue the application and in the circumstances the interim order will have to be either vacated or modified.

4. The main grievance of the petitioners was that they apprehended termination of their services at the hands of the respondents and now, in view of the statement coming from the respondents, they will have no room for any such apprehension. Since the petitioners are also willing to accept the deployment orders, which may be issued by the respondents Railway Authorities, there will be no question of their termination. It is equally true that when the petitioners are ^{borne} going in this division ^{i.e.} and at place Bharuch in the course of time, at the time of screening ^{absorption} their and ⁱⁿ observation the retention and the division will be duly considered by the authorities. We have no doubt, in case where there is scope for the Railway Authorities to engage the petitioners at the present station they will sympathetically consider the question of bringing them to the present station in ^{a future} future.

5. Having ^{regard to} ~~bearing in mind~~ of the facts and circumstances, we do not find that there is any grievance left over for the petitioners to continue the petition. The application therefore, stands disposed of with the observations made above. The interim order issue earlier stands vacated, as it was only against termination. By virtue of ~~the~~ the aforesaid discussion M.A./569/88 ^{542/88} also stands disposed of as no more orders ^{are sought} ~~require to pass~~.

P. K. Mallick
(P.K. Mallick)
Administrative Member


(P.M. Joshi)
Judicial Member

MA/569/88

&

MA/542/88

in

OA/193/88

Coram : Hon'ble Mr. P.H. Trivedi

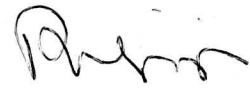
: Vice Chairman

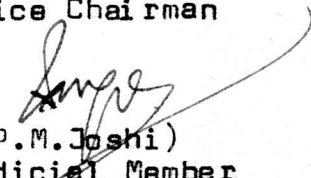
Hon'ble Mr. P.M. Joshi

: Judicial Member

18/7/1988

Heard Mr.R.K.Mishra and Mr.N.S.Shevde learned advocates for the applicants and the respondents. Mr.Shevde states that there is no service of order on applicants. The interim relief should be discontinued because there is no work for the applicants at Bharuch. We had passed an order on 21.3.1988 asking the applicant to communicate the notice of termination and individual employment card, and individual employment cards are sought to be obtained through MA/569/88. Mr.Shevde wants time to obtain the cards or the relevant office instructions. The proper manner therefore for considering this connected application would be that respondents produce the service cards or office instruction relating thereto as aforesaid and thereon the applicant will be called upon either to submit separate application or a decision will be taken whether the present application in which all the applicants have been joined will be proceeded with. Ten days time required by the respondents. Allowed for producing the service cards or office instructions relating thereto. Interim relief to continue until then and the parties would be heard on further continuation of interim relief on the date fixed. Registry to post the case on 1st August, 1988 for order.


(P.H.Trivedi)
Vice Chairman


(P.M.Joshi)
Judicial Member

a.a.bhatt