

*cv* *No termination*  
**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

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**O.A. No.** 651 OF 1988.  
**TAX NO.**

DATE OF DECISION 18-2-1993.

Arjun Shankar, Petitioner

Mr. U.M. Shastri, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent(s)

Mr. N.S. Sheyde, Advocate for the Respondent(s)

**CORAM :**

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr. V.Radhakrishnan, Admn. Member.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

(3)

Arjun Shankar,  
working as a casual labourer,  
T.S. Khalasi, under the  
office of the District Signal -  
Tele. Communication Engineer,  
Pratapnagar,  
Baroda.

..... Applicant.

(Advocate: Mr. U.M. Shastri)

Versus.

1. The Union of India,  
to be served through  
The General Manager,  
Western Railway,  
Churchgate, Bombay.

2. The District Signal & Tele-Comm.  
Engineer, Pratapnagar,  
Baroda.

3. The Chief Project Manager,  
Rly. Electrification  
Pratapnagar, Baroda.

..... Respondents.

(Advocate: Mr. N.S. Shevde)

ORAL ORDER

O.A.No.651 OF 1988

Date: 18-2-93.

Per: Hon'ble Mr. R.C. Bhatt, Judicial Member.

Heard Mr. U.M. Shastri, learned advocate for the  
applicant and Mr. N.S. Shevde, learned advocate for the  
respondents.

2. This application under section 19 of the  
Administrative Tribunals Act, 1985, is filed by the  
casual labourer, serving with the respondents railway  
administration, seeking the relief that the order  
dated 19th September, 1988 passed by the respondents  
be in  
vide Annexure A declared as illegal, malafide and  
to further declared that the action of the screening  
committee declaring the applicant unsuitable for

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regular absorption was against the rules and regulations and the respondents be directed to absorb the applicant on regular basis.

3. The case of the applicant as pleaded in the application is that he was working as a casual labourer since the year 1979, that he was directed to work under the District Signal and Telecommunication Engineer, Baroda i.e., respondent No. 2, since 1983 and was employed as a project casual labourer for carrying out electrification work in signal and telecommunication department for the railway electrification project and in that capacity the applicant worked up to 22nd September, 1988. It is alleged by him that the respondents have terminated the services of the applicant on the ground that the applicant has failed to pass the screening test rendering him unsuitable for regular absorption in Group 'D' post. It is alleged by the applicant that he was granted temporary status of railway servant on 8th October, 1984 and has worked in Railway nearly of 5 years without any complaint and the applicant is not knowing as to what was the reason for rendering him unsuitable for regular absorption.

4. The respondents have filed reply contending that the applicant was engaged as casual labourer, respondents have not disputed that his services were terminated vide impugned order dated 18th September, 88

It is contended that the temporary status is granted to the project casual labourer on his completion of minimum required continues period of working. The respondents have denied that the order of termination is bad in law or arbitrary or malafide as alleged in the application. It is contended that the screening committee <sup>of</sup> ~~of~~ three officials was constituted for the purpose of screening the casual labourers in reference to letter dated 29th September, 1986 produced at Annexure R-1 and the said letter declares the names of casual labourers who were found suitable as well as unsuitable by the screening committee. The applicant was one of the employees declared unsuitable by the screening committee and there after the applicant <sup>was</sup> ~~the~~ served with <sup>the</sup> retrenchment notice. It is contended that the respondents have followed the provision of Section 25 F of I.D. Act before the retrenchment of the applicant.

5. We have heard the learned advocate for the parties. We have perused Annexure R-1 which is a letter dated 29th September, 1986, which ~~shows~~ shows the names of casual labourers who were found suitable as well as unsuitable by the screening committee. The learned advocate for the applicant submitted that no reasons are shown in the order Annexure A dated 19th September, 1988 as to how ~~he~~ <sup>the</sup> was found ~~them~~ <sup>him</sup> suitable. In our opinion the letter Annexure R-1 is self-explanatory that the screening committee found

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certain casual labourers including applicant as unsuitable and some other casual labourers as suitable. The applicant has not able to ~~show~~  
~~establish~~ anything about malafides against the screening committee except the bare allegation which can not be accepted. The applicant had to pass the test which is known as screening test for regular absorption in Group 'D' post on railway which he failed to pass. The respondents, therefore, give a notice of retrenchment which is Annexure A dated 19th September, 1988. The applicant was paid the retrenchment compensation also as per the said notice. Notice of one month period was also given and it was also served to the appropriate authorities. Ann. A-1 is the calculation of the amount of retrenchment compensation paid by the respondents to the applicant for which there is no grievance by the applicant.

6. We are satisfied that the action of the respondents in terminating the service of the applicant was legal and proper <sup>as</sup> he had not passed the screening test for regular absorption and the respondents <sup>after the</sup> ~~are~~ duly following the provision of Section 25 F of I.D. Act ~~have~~ ~~retrenched~~ the applicant. The fact that the applicant acquired temporary status does not show that he is entitled to be regularly absorbed in Group 'D' even if he fails in the screening test. In this view of the matter we find no merit in the application.

Hence we pass the following order.

O R D E R

The application is dismissed. However, we direct the respondents to consider the applicant for the work as a casual labourer as and when the work is available with them and they may also if permissible according to rules, give one chance to the applicant for the screening test, but this is only our suggestion, which may not give a fresh cause of action to the applicant to come before us. No order as to costs.

*Mr*  
(V.Radhakrishnan)  
Member (A)

*Resd*  
(R.C.Bhatt)  
Member (J)

vtc.