

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 AHMEDABAD BENCH
~~XXXXXXXXXXXX~~

(2)

O.A. No. 661 & 662 OF 1988.
~~XXXXXXXX~~

DATE OF DECISION 6.9.1989.

1) Shri Vallaswamy Rangaswamy,
 2) Smt. Krishnaveni Manikam. Petitioners

Mr. Y.V. Shah Advocate for the Petitioner(s)

Versus

The Union of India & Ors. Respondent s

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

CORAM :

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

The Hon'ble Mr. M.M. Singh, 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*

O.A.No. 661/88

Shri Vallaswamy Rangaswamy,
Permanent Way Inspector (C),
Western Railway,
Jammagar.

O.A.No. 662/88

Smt. Krishnaveni Manikam,
Permanent Way Inspector (C)
Western Railway,
Jammagar.

..... Petitioners.

(Advocate : Mr. Y.V. Shah)

Versus.

Union of India, through
the General Manager,
Western Railway,
Churchgate,
Bombay - 20.

2. Chief Engineer (C)
Western Railway,
2nd floor, Station Bldg.,
Ahmedabad - 2.

3. Executive Engineer (C)
Western Railway,
Jammagar - 8.

..... Respondents.

(Advocate : Mr. B.R. Kyada)

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

Hon'ble Mr. M.M. Singh : Administrative Member.

COMMON ORAL ORDER

O.A.No. 661 OF 1988

with

O.A.No. 662 OF 1988

Date: 6.9.1989.

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

The petitioners viz; (i) Vallaswamy Rangaswamy
(in O.A. 661/88) and (ii) Smt. Krishnaveni Manikam (in
O.A. No. 662/88), have filed separate applications under
section 19 of the Administrative Tribunals Act, 1985.
Both of them have challenged the retrenchment notice
dated 8.8.1985; whereby their services are terminated with
effect from 10.9.1985. Both the notices are identical,
The text thereof which is reproduced as under :

No.VOP/JAM/E/615/1/1

Dated 8.8.1985

Sub: Notice for termination of service of Casual Labour.

Consequent upon the reduction in work your service is no longer required. As such, your service will stand terminated with effect from 10.9.85 in terms of Para 25-F(a) of Industrial Disputes Act.

This may be treated as one month's notice. Please acknowledge the receipt.

Sd/-
Executive Engineer
Construction
Western Railway
Jamnagar.

2. According to the case set up by the petitioners, they are engaged as casual labourers since 1983 and they have acquired temporary status by the length of their services. It is contended that the action of the respondents in terminating their services is violative of the provisions of Section 25F, 25G, 25H & 25N of the Industrial Disputes Act, 1947. They have further contended that the instructions contained in para 2302 & 2511 of the I.R.E.M. have not been complied with and also the rules framed under the Industrial Disputes (Central) Rules, 1957, ^{are} not followed.

3. When the matter came up for hearing, we have heard Mr. Y.V.Shah & Mr. B.R. Kyada, the learned counsel for the petitioners and the respondents respectively. It is conceded on behalf of the petitioners that in case, the respondents are directed to reinstate the petitioners, within one month from the date of the judgment, they will waive their claim for backwages. Mr. B.R. Kyada, the learned counsel for the respondents agreed to this stand and requested us to pass the orders in this terms. As plea raised in both the matters is common, they are decided by rendering ^a common order on the basis of merits and the stand indicated earlier.

4. Accordingly, applications are allowed. The impugned notice are quashed and set aside. The respondents are therefore directed to reinstate the petitioners viz; (1) Shri Vallaswamy Rangaswamy and

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(2) Smt. Krishnaveni Manikam, within one month from the date of this order without backwages. The respondents however are directed to retain their continuity in service. The petitioners are also directed to report to Respondent No.3, Executive Engineer (C), Western Railway, Jamnagar for duty.

With the aforesaid directions and observations the application stands disposed of with no order as to costs.

M. M. Singh
(M M Singh)
Administrative Member.

P M Joshi
(P M Joshi)
Judicial Member.