

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
NEW DELHIO.A. No.
~~XXX No.~~

772 of

1988 1998

DATE OF DECISION 19.7.1991

1. Mr. Laxman Magan

Petitioner

2. Mr. Madanlal Bhabutaji

3. Mr. Manu Bhikha

Mr. Ravi Tripathi

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. H.S. Shevde

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? *Y*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*

1. Mr. Laxman Magan
2. Mr. Madanlal Bhabutaji
3. Mr. Manu Bhikha

Address for all applicants :

C/o. Madanlal Bhabutaji,
Ramchandra-Ki-Chawli,
Dolatnagar,
Sabarmati,
AHMEDABAD-380 005

: APPLICANTS

(Advocate : Mr. Ravi Tripathi, present)

VS.

1. Union of India, through
The General Manager,
Western Railway,
Churchgate,
BOMBAY- 20.
2. Asstt. Operating Supdt. (Estt.)
Western Railway,
VADODARA.
3. Station Superintendent,
Asarwa Station,
Western Railway,
AHMEDABAD.
4. Divisional Railway Manager,
Western Railway,
VADODARA.

: RESPONDENTS

(Advocate: Mr. N.S. Shevde, present)

CORAM : Hon'ble Mr. M.M. Singh

: Admn. Member

Hon'ble Mr. S. Santhana Krishnan

: Judicial Member

O R A L - O R D E R

O.A. No. 772 of 1988

Date : 19.7.1991

Per : Hon'ble Mr. M.M. Singh

: Admn. Member

This original application under Section 19 of the Administrative Tribunals Act, 1985, filed by the applicants working as Substitutes with Temporary Status, seeks relief of quashing and setting aside the retrenchment order dated 24.11.1988 issued against them and seeking direction of respondents authorities to continue them in service.

h. h. L.

2. The material facts in the application are that, as similar notice of retrenchment was issued earlier, produced at Annexure A-2 dated 2.11.87, against which the applicant had filed the O.A. No.627 of '87 which was decided by order dated 13.6.1988 of this Tribunal. The relevant portion of ^{the} which, so far as the present application before us is concerned, is that " The respondents are required to give such a prior notice and the petitioners are free to make their representation relating thereto and the respondents ^{are} at liberty to dispose of the representations of the petitioners." The Divisional Railway Manager issued notice dated 24.11.1988 which is the impugned order in the present application before us to the effect that their services are to be terminated after 30 days from the date of receipt of ^{the} this notice. No representation from the applicant has been invited. The notice does not mention that the applicant can submit ^{an} representation. As such it is alleged to be in violation of the mentioned portion of the judgement in O.A. No.627 of '87 dated 13.6.1988.

3. When the matter came up for admission before the Bench of this Tribunal, by order dated 21.12.1988 the operation of the order dated 24.11.1988 issued by the DRM (E) BRC ^{was} should be suspended for the period of 15 days, thereafter the interim relief was continued.

4. There is no doubt that the impugned notice dated 24.11.1988 is not in accordance with what, the compliance of order of this Tribunal dated 13.6.1988 in O.A.No. 627 of '87 should have been. As mentioned above, this order required the respondents the Railway Authority, to give prior notice so that the petitioners can exercise their right in making representation to it and taking such representation into consideration, the Railway Authority can take the decision. The impugned order is therefore to

be set aside. We hereby do so with Rs.200/- as cost, against the respondents. ^M The rule is made absolute.

5. We should clarify again that the respondents are ^{in M} free to comply with the decision of this Tribunal order dated 13.6.1988 in O.A./627 of '87 referred above.


(S. SANTHANA KRISHNAN)
Judicial Member


(M.M. SINGH)
Administrative Member

*Ani.