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(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No./193/1989

~~P.A. No.~~

DATE OF DECISION 25/08/92

Shri Girdhar Rambhai Petitioner

Mr. C. D. Parmar Advocate for the Petitioner(s)

Versus

Union of India & Others. Respondent

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

CORAM :

The Hon'ble Mr. N. V. Krishnan : Vice Chairman

The Hon'ble Mr. R. C. Bhatt : Member (Judicial)

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 ? ✓

1. Shri Girdhar Rambhai,
Railway Colony,
Quarter No: 87-M.,
WANKANER,
Dist ; RAJKOT

(6)

. . . . Applicant.

(Advocate : Mr. C. D. Parmar)

Versus

1. Union of India,
owning and representing
Western Railway, through
The General manager,
Western Railway,
Church Gate,
BOMBAY - 400 020.

2. Divisional Railway Managee (Engl)
Western Railay,
Kothi Compound,
RAJKOT - 360 001.

3. Station Superintendent,
HAPA,
Dist : JAMNAGAR.

4. Chief Train Examiner,
C & W, CTX HAPA,
HAPA,
Dist ; JAMNAGAR.

. . . . Respondents.

O R A L O R D E R

O.A. NO : 193 OF 1989

Date ; 25/08/1992.

Per : Hon'ble Mr. N. V. Krishnan : Vice Chairman.

The applicant is a casual labourer under the second respondent. He has filed this application for a declaration that his services cannot be terminated without following the provisions of the I. D. Act and he also prays for setting aside the impugned oral order dated 06/10/1988 when, at the end of a seasonal engagement as Lapiman from 15/06/87 to 06/10/1988, he was not engaged thereafter.

2. We have heard the learned counsel in respect of admission of this application. He submits that he has

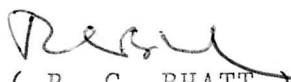
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already been given temporary status by the Annexure A-11 order dated 04/10/89 from 26/05/87. Admittedly, he was being engaged thereafter on seasonal jobs. In M.A. 487/87 seeking amendment of the original application he states that his last engagement was from 1st April, to 30th June, 1989 and therefore, he wanted to amend the prayer for quashing the oral order dated 30/06/89 instead of the earlier prayer relating to the order dated 06/10/1988.

3. We have heard the learned counsel. No order terminating his services as such has been produced before us. He does not have a case that persons junior to him have either been regularised or are being engaged on a continuous basis while he alone is being given engagement as a seasonal casual labourer which, by its very definition, renders himself liable to disengagement at the end of the season. He also does not have a case that regular posts are available to which he can be considered for regularisation.

4. In the circumstances, we find that this application is premature and does not lie before us and is hence rejected. Therefore, while disposing of this application at the admission stage with this finding, we make it clear that this will not stand in the way of the applicant from filing a suitable representation to the second respondent giving all facts of the case and seeking such reliefs from him as may be advised.


(R. C. BHATT)
Member (J)


(N. V. KRISHNAN)
Vice Chairman

vtc.