

14

8

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

Original Application No.368 of 1987

Date of Decision 13th April, 1989.

1. Lochani @ Lochan Behera, aged about 36 years  
S/o Bhima @ Bhima Behera  
Casual Labourer, Under Chief Permanent  
Way Inspector, South Eastern Railway,  
Barang, Dist.Cuttack. ....Applicant

-Versus-

1. Union of India represented through the  
General Manager, South Eastern Railway,  
Garden Reach, Calcutta-43, West Bengal.
2. Divisional Railway Manager,  
South-Eastern Railway, P.O.Khurda  
Road, Dist.Puri.
3. Assistant Engineer, South-Eastern  
Railway, P.O.Bhubaneswar, Dist.Puri.

.... Respondents

For the Applicant. ....

M/s.M.A.Khan &  
Patitapaban Panda

For the Respondents ...

M/s.Bijay Pal and  
O.N.Ghosh

-----

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN  
AND  
THE HON'BLE MR.K.P.ACHARYA, MEMBER (JUDICIAL)

-----

1. Whether reporters of local papers may be allowed  
to see the judgement ? Yes
  2. To be referred to the Reporters or not ? No
  3. Whether Their Lordships wish to see the fair  
copy of the Judgement ? Yes.
-

:- J U D G M E N T :-

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunal's Act, 1985, the Petitioner~~s~~ pray~~s~~ to quash the impugned order contained in Annexure 'C' terminating the services of the Petitioner.

2. Shortly stated, the case of the Petitioner is that ~~he~~ <sup>he</sup> ~~was~~ <sup>was</sup> employed as Casual Labourer~~s~~ under the permanent Way Inspector, South Eastern Railway, Balugaon and Kalupadaghat,. For no rhyme and reason the concerned Authority having terminated the services of the Petitioner, this application has been filed with the aforesaid prayer.

3. In their Counter, the Opposite Parties maintain that the applicant might have worked for more than 5 years but his work during the particular period being seasonal and his services being confined to the monsoon period only, services of Casual labourers of such type are to be dispensed with soon after lapse of the monsoon period. Hence, the case being devoid of merit is liable to be dismissed.

4. Neither the Petitioner appeared nor his Counsel. We have perused the records containing the averements of the parties and the relevant documents with the assistance of Mr. B. Pal, learned Senior Standing Counsel for the Railway Administration. From different documents filed by both parties, we are satisfied the engagement of the petitioner is purely temporary and that too for monsoon period. Similar nature of the case came up before us forming subject matter of O.A. 323/87 disposed of on 29th March, 1988. In that case we have held that in view of

10 vi  
-3-

of the terms of appointment of the Petitioners confining only to the mon-soon period, there is no other option left for the concerned authority but to terminate the services of the petitioners. Having taking such a view in O.A.No.323 of 1987, we find no reason to take a different view in the present case. Hence we find no merit in this application which stands dismissed leaving the parties to bear their own costs.

*L. S. Das*  
13.4.89  
.....  
MEMBER (JUDICIAL)

B.R.PATEL, VICE-CHAIRMAN

9 agree -



Central Administrative Tribunal  
Cuttack Bench  
13th April, 1989/Mohapatra

*R. S. Das*  
13.4.89  
.....  
VICE-CHAIRMAN