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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 221 OF 1989 .

Date of decision: March, 27, 1991.

Mangal Oram and another : Applicants

Versus

Union of India and others : Respondents

For the applicant : Mr. R.B.Mohapatra, Advocate.

For the Respondents : M/s Bijay Pal, O.N.Ghosh,
Senior Standing Counsel
(Railway Administration)

C O R A M:

THE HON'BLE MR. B.R.PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be permitted to see the judgment ? Yes.
2. To be referred to the reporters or not? No
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes.

J U D G M E N T

B.R.PATEL, VICE CHAIRMAN: The applicants were working as Casual Labourers in Chakradharpur Division of South Eastern Railways. They challenged the termination of their

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service with effect from 5.10.1988 (FN). The main plank of challenge is that, there was work available and persons junior to them and even outsiders have been engaged at the cost of the applicants. They have moved the Tribunal with a prayer to issue a direction to the Respondents to regularise their services and make them permanent employees and to reinstate them in their service giving them temporary status.

2. We have heard Mr. R.B.Mohapatra, the learned Counsel for the applicants and Mr. B.Pal, the learned Senior Standing Counsel (Railway Administration) for the Respondents. Mr. Pal states that on receipt of the application filed before the Tribunal the Railway Administration have considered the cases of the applicants and they are now willing to reinstate them in their employment with ut payment of any backwages. He has further submitted that the Railway Administration, however, reserve the right to proceed against the applicants if so warranted. After having heard the Counsel for both sides and perused the relevant papers, we have come to the conclusion that since the Railway Administration have agreed to reinstate the applicants in their former employment, the main relief sought has been granted. Mr. Pal however, is against the regularisation of the applications in their service. However, it will depend on the seniority of the applicants.

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according to the scheme , which will be framed involving all such casual workers. We therefore, direct that the case of the applicants should be considered for regularisation as and when their turn comes as per the scheme and the Railway Administration to have their right to proceed against the employees if any instance of misconduct comes to their notice after their reinstatement. We are not in favour of giving liberty to Railway Administration to initiate a Disciplinary proceeding for the past conduct. This should be in conformity with the various judgments of the Hon'ble Supreme Court.

3. This application is accordingly disposed of leaving the parties to bear their own costs.

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MEMBER (JUDICIAL)

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B.M.M.
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VICE CHAIRMAN



Central Administrative Tribunal,
Cuttack Bench :Cuttack.K.Mohanty.