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Central Administrative Tribunal,
Cuttack Bench, Cuttack.

Original Application No.405 of 1990

Date of decision: July 10, 1992

N.Gangadhar Reddy Applicant

-Versus-

Union of India and others Respondents

For the Applicant : Mr. G.A.R. Dora, Advocate.

For the Respondents : Mr. L.K. Mohapatra, Addl. St. Counsel
(Railway Administration)

CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN
AND

THE HONOURABLE MR. M.Y. PRIOLKAR, MEMBER (ADMINISTRATION)

1. Whether reporters of local papers may be allowed to see the fair copy of 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.

JUDGMENT

K.P.ACHARYA, VC

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash Annexure-3 disengaging the petitioner in respect of the Post of a Token Porter.

2. Shortly stated the case of the petitioner is that he was appointed as Token Porter in 1978. Suddenly for no rhyme or reason, the petitioner was informed by the Station Supdt. of Puri Railway Station vide Annexure-2 dated 16th July, 1990 that the services of the Petitioner will no more required with effect from 16th July, 1990. Being aggrieved by this order, this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintained that due to a vigilance enquiry pending against him (Petitioner) his services was no more required to be utilised. Hence the Petitioner was disengaged and it further maintained that the impugned order was rightly passed which should not be unsettled.

4. We have heard Mr. G.A.R. Dora learned Counsel for the Petitioner and Mr. L. Mohapatra learned Addl. Standing Counsel for the Railway Administration at a considerable length. Mr. Dora learned counsel for the petitioner submitted that the duty of a token porter can never be such to commit any illegality touching his moral turpitude for which a Vigilance case would be started and therefore, the averment made on behalf of the Opposite Parties to the above effect is not correct and should not be acted upon. It was further submitted by Mr. Dora that two of the juniors of the petitioner namely M/s P. Prasad Rao and P.K. Jena have been regularised whereas the petitioner has been thrown out which is a very unfortunate situation due to certain

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wrong impressions carried in the mind of the Higher authority in respect of the Petitioner.

On the other hand Mr. Mohapatra learned Standing Counsel submitted that Shri P.P.Rao was registered as Token Porter in the year 1960 .Therefore, according to Mr.Mohapatra the petitioner cannot become senior to M/s Rao and Jena. It was also submitted by Mr.Mohapatra that no contradiction has been given in regard to the number of days for which the petitioner is said to have rendered services in the Department. Be that as it may, we do not like to express any opinion on the rival contention of the parties.

5. Relationship of an employer with an employee should be very harmonious and cordial and the employer has a duty to have a sympathetic attitude towards the employee if otherwise the employee is not arrogant and indisciplined etc. In the present case, there is no allegation of arrogancy of ~~and~~ indiscipline conduct exhibited by the present petitioner. For some minor reasons, the services of the Petitioner as a Token Porter has been dispensed with. In these present hard days when most of the members of the Society are running from post to pillar to sustain their livelihood we feel that the higher authority would be well advised to take a sympathetic attitude over the petitioner. In case the Petitioner had misbehaved ~~in~~ the past, which was strongly denied by Mr.Dora, we hope and trust, it would be magnanimous on the part of the ~~higher~~ authority to excuse him on ~~this~~ account and on the representation to be filed by the Petitioner, the senior DOS, Khurda Road may sympathetically consider the representation and reappoint him as a substitute Token Porter. We would direct the petitioner to meet the Senior DOS, Khurda Road with a representation and personally lay his grievance before the said authority. We very

much hope the authority would take a sympathetic view over the petitioner.

6. Before we conclude, we would say that Mr. Dora submitted that the name of the Petitioner could not be included in the panel because a Vigilance enquiry is pending and therefore, it is submitted by Mr. Dora that a direction be given for disposal of the Vigilance enquiry, if not yet disposed of, and thereafter the competent authority may consider inclusion of the name of the Petitioner in the panel for relaxation. We express no opinion on the subject and we leave this matter to the authority for his consideration and necessary orders as deemed fit and proper.

7. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

4/10-7-92
MEMBER (ADMINISTRATIVE)

K.Mohanty 10.7.92
VICE CHAIRMAN



Central Administrative Tribunal
Cuttack Bench/10.7.92/K. Mohanty