

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 60 OF 2002.  
Cuttack, this the 21st day of August, 2002.

K. Chandrasekhar.

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Applicant.

Vrs.

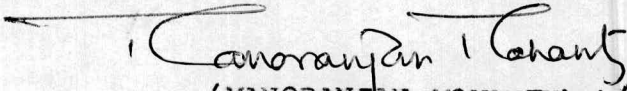
Union of India & Ors.

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Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

  
(MANORANJAN MOHANTY) 21/08/2002  
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.60 OF 2002.  
Cuttack, this the 21st day of August, 2002.

CORAM;

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL)

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K. Chandrasekhar, Aged about 30 years,  
S/o. K. Bhakta Vatsalam, At present  
working as Bunglow Peon, DSTE,  
South Eastern Railway, Sambalpur,  
Orissa.

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Applicant.

By legal practitioner : M/s. G. Gartia, P.K. Mohapatra,  
S. Nath, Advocates.

-Versus-

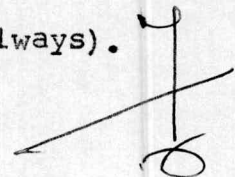
1. Union of India represented through its General Manager,  
South Eastern Railway, Calcutta, Garden Reach, GRC,  
Calcutta-43.
2. Divisional Personnel Officer, SE Railways, Khetrampur,  
Sambalpur.
3. Divisional Signal Telecom Engineer, SE Railways, Sambalpur.
4. Office Superintendent (S&T), SE Railways, Sambalpur.
5. Chief Personnel Officer, SE Railways, Calcutta Garden Reach,  
GRC, Calcutta- 43.

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Respondents.

By legal practitioner: Mr. D.N. Mishra,  
Standing Counsel (Railways).

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O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL) :-

Heard Sri P.K. Mohapatra, Learned Counsel for the Applicant and Mr.D.N.Mishra, Learned standing Counsel for the Respondents/Railways. On their consent, this case has been taken up for final disposal at the admission stage; as counter has been filed by the Respondents and rejoinder thereto has also been filed by the Applicant.

2. Services of the Applicant, a substitute Bungalow Peon, having been terminated, he has filed this Original Application, Under section 19 of the Administrative Tribunals Act, 1985.

3. It is the case of the Applicant that before terminating the services of the Applicant (which he rendered for more than two years and six months), he was not put to notice nor any opportunity was given to him to have his say in the matter and for that reason his termination/dis-engagement from service is not sustainable being violative of principles of natural justice/Article 14 of the Constitution of India. In order to substantiate his case, the Advocate for the Applicant, has placed on record a circular dated 31- 05-1995 of the South Eastern

Railway pertaining to engagement, absorption, and discharge of Bungalow Peons. The relevant portion of the said circular dated 31-05- 1995 of the South Eastern Railway is extracted herein below for a ready reference:-

"C. D ISCHARGE:

1. If a substitute/Casual Bungalow peon has not completed one year service upto the date of transfer to other railway/retirement/long leave of Officer who engaged him, then his service is to be terminated with due notice and his name is to be kept in Live Casual Labour Register for re-engagement in future as per requirement\*.


(emphasis supplied)

4. Despite the aforesaid circular/standing instructions of the Railways, the Applicant was given no notice/opportunity to have his say in the matter before his dis-engagement and, therefore, the termination/dis-engagement (order under Annexure-5 dated 14-12-2001) of the Applicant (from his engagement as a substitute Bungalow Peon) is not sustainable, as the same has been issued/passed in gross disregard to the principles of natural justice/Article 14 of the Constitution of India. The Respondents should also note that "nothing was available to be answered, is no answer to the denial of the rights under the principles of natural justice"



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5. In the result, therefore, this Original Application succeeds. The impugned order of termination/dis-engagement under Annexure-5 dated 14-12- 2001 is quashed/set aside and, as a consequence, the Respondents are hereby directed to re-engage/reinstate the Applicant in service, with all service benefits, forthwith. There shall be, however, no order as to costs.

  
(MANORANJAN MOHANTY)  
MEMBER (JUDICIAL)

KNM/CM.