

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.286 of 1997

Heard on:04.08.2004

Date of Order: 6.8.2004

PRESENT : HON'BLE MR. S.K. HAJRA, ADMINISTRATIVE MEMBER
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

JANAKI RAO

VS.

1. The Union of India, service through the General Manager, S.E. Railway, Garden Reach, Calcutta-43.
2. The Chief Personnel Officer, S.E. Railway, Garden Reach, Calcutta-43.
3. The Deputy Chief Mechanical Engineer(Wagon Shop) S.E. Railway Workshop, Kharagpur-01.
4. The Workshop Personnel Officer, S.E. Railway, Workshop, Kharagpur-3
5. The Chief Project Manager, S.E. Railway Workshop, Kharagpur-1.
6. Sri Srinivas Rao, An applicant in O.A. No. 93/97. Near Balaji Temple, Kharagpur-01. Dist. Midnapur.

For the Applicants : Mr. P.C. Maity, Counsel

For the Respondents : Mr. T.D. Roy, Counsel

O R D E R

MR.S.K. HAJRA, AM:

The applicant was appointed as substitute Bungalow Peon and attached to the post of Dy. C.M.E. (W/W) KGPW against an existing vacancy w.e.f. 18.2.1997. The service of the applicant was terminated by order dated 9.3.1997. Aggrieved by the order of termination, the applicant filed this O.A. for a direction to the respondents to continue him in the post of Bungalow Peon as per the conditions laid down in the appointment letter and subject to the result of the pending O.A. No.93 of 1997.

2. Ld. counsel for the applicant submitted as follows:-

The termination of the service of the applicant after due sanction by the competent authority and consequent on recommendation of Dy. CME(W-W) is arbitrary and illegal. One of the conditions stipulated in the letter of appointment of the applicant was that the

appointment will abide by the result of the application in O.A. No.93 of 1997. Thus the termination order was passed in contravention of the aforesaid condition subject to which the applicant was appointed. The impugned order was passed in violation of the principles of natural justice.

3. Ld. Counsel for the respondents submitted that the applicant worked for 29 days as substitute Bungalow Peon and his service was terminated w.e.f. 09.03.1997 giving him 14 days pay in lieu of notice with the approval of the competent authority. The termination was accepted by the applicant on 16.03.1997 affixing his signature. The O.A. is liable to be dismissed.

4. We perused the pleadings and heard both sides.

5. The order appointing the applicant as substitute Bungalow peon was issued on 20.02.1997. The order was subject to among other conditions that his service may be terminated at any time in terms of the Rule 149R1(301-R1) of Indian Railway Establishment Code Vol-I. The order of termination of the service of the applicant w.e.f. 9.3.1997 was passed pursuant to the decision of the Dy. Chief Personnel Officer (RP) who sanctioned the appointment of the applicant. The applicant was paid 14 days pay in lieu of notice. Thus the impugned order is termination simpliciter. The applicant acknowledged the receipt of the order on 16.3.1997. As regards O.A. No.93 of 1997, the case was disposed of by order dated 13.08.2001 wherein the decision not to engage Sri Srinivasa Rao, was not interfered with. However, it was observed that it would be advisable to reconsider the case of Sri Srinivasa Rao, (the applicant in the O.A. No.93 of 1997) as substitute Bungalow peon after holding medical examination. Thus the condition that appointment of substitute Bungalow Peon would abide by the result of the O.A. No.93 of 1997

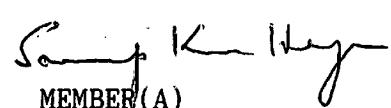
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cannot be invoked in support of the applicant's plea for continuance in service, ~~more~~ ^{now} the applicant accepted 14 days pay in lieu of notice.

6. We see no reason to provide the relief to the applicant. The O.A. is liable to be dismissed. Accordingly, the O.A. is dismissed, No order as to costs.



MEBER (J)



MEMBER (A)