

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 479/93

Friday, this the 1st day of July, 1994

CORAM

HON'BLE MR N DHARMADAN (J)

HON'BLE MR S KASIPANDIAN (A)

N. Bhaskaran

Ex- Casual Labourer

(Under Permanent Way Inspector, Angadipuram)

Now residing temporarily at No.12,

4th Avenue, Ashok Nagar, Madras-83. Applicant

By Advocate Mr R Santhoshkumar

Vs.

1. Union of India through
The General Manager,
Southern Railway, Madras-3.
2. The Assistant Engineer,
Southern Railway, Shoranur.
3. The Senior Divisional Engineer(West),
Southern Railway, Palghat Divisional
Office, Palghat.
4. The Assistant Personnel Officer,
Southern Railway, Palghat. Respondents

By Advocate Mr Thomas Mathew Nellimootil.

ORDER

N. DHARMADAN(J)

When the case came up for final hearing, the learned counsel for the applicant submitted that this case is covered by a number of decisions of this Tribunal which were followed by this Bench in the latest decision in O.A. 892/93.

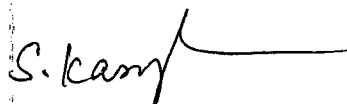
2. The learned counsel for the respondents did not dispute this statement. However, it is submitted that the decisions rendered by this Tribunal are distinguishable in the light of the decision of the Supreme Court in District Collector-cum-Chairman of Vizianagaram & another Vs. M.Tripura

Sundri Devi, 1990(4) SLR 237. But this submission was specifically dealt with by this Tribunal in O.A. 892/93 referred to above. This Tribunal distinguished the facts of the case relied on by the learned counsel for the respondents and held that the Supreme Court decision does not apply to the facts of that case, and the case is covered by the judgments rendered by this Tribunal as referred to by the learned counsel for the applicant.

3. Accordingly, having regard to the above position, we follow the decision of this Tribunal in O.A. 892/93 and allow the original application.

4. In the result, we quash the impugned order Annexure A15 and direct the respondents to reinstate the applicant with all consequential benefits legally due to him as if the termination order has not been passed.

5. There shall be no order as to costs.



S KASIPANDIAN
MEMBER (ADMINISTRATIVE)

 1.7.94.

N DHARMADAN
MEMBER (JUDICIAL)

1.7.94