

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.

479

1989

T.A. No.

DATE OF DECISION 17.8.90

P. Krishnan Kutty Applicant (s)

Mr. T. V. Babu Cherukara Advocate for the Applicant (s)

Versus

UOI (Secry, Defence, N.Delhi) Respondent (s)
and others

Mr. N. N. Sugunpalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. Krishnan, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

Hon'ble Shri N. Dharmadan, Judicial Member

This is a simple case in which the applicant is challenging his termination order. He contended before us that he was working as casual employee in the office of the fourth respondent from 28.12.81 onwards. He was regularly discharging the duties, but he was not paid regular salary and allowances. Hence, he along with four others filed O.A. 725/86 and O.A. 726/86 claiming wages. These cases were allowed by this Tribunal as per Annexure-II judgment granting

the prayer in the cases. While working in that capacity as casual employee the respondents terminated his service by one line order which reads as follows:

"Your services are dispensed with effect from 3.8.87 (AN) as no longer required."

2. The applicant further contended that after his termination one Mr. Unnikrishnan was engaged by the respondents and he is continuing. He has also stated that the impugned order has been passed on the allegation that a criminal case is pending against him. The said criminal case has been compounded and it was closed as per Annexure-III order dated 5.5.1989. In the light of these facts, the applicant claims that he is entitled to continue in service and also entitled for regularisation.

3. The respondents have filed a counter affidavit and denied all the allegations.

4. When the matter was taken up for hearing today the applicant pressed before us the relief to quash Annexure-I and also to regularise him in service in accordance with his seniority.

5. Having heard the matter we are of the view that the impugned order has been passed without any valid reason after retaining his juniors in service. The respondents have not stated any reason except that there is no work available. This is belied from the

statements in the counter affidavit that in his place another employee has already been taken by the respondents and he is even now working. With regard to the criminal case respondents have clarified that this has no relevance and the termination was not [✓] effect on account of the pendency of the criminal case. Since there is no valid and legal reason for the termination simplicitor, the order cannot be sustained. We have no other alternative but to quash the impugned order. Accordingly, we do so. With regard to the further claim of the applicant that he is entitled to regularisation, we make it clear that under the above circumstances, the applicant is entitled according to his seniority to regularisation and also entitled to work under the respondents, if work is available, along with his juniors in accordance with law.

6. The application is allowed. There is no order as to costs.


(N. Dharmadan) 17.8.90

Judicial Member


(N. V. Krishnan)
Administrative Member

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