

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH

Registration O.A. No.265 of 1991 (L)

Shri Chandra Applicant

Versus

Union of India & Others Respondents

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was initially appointed as daily wages waterman-cum-Khalasi on 15.4.85 in the Indian Posts & Telegraph Department. Three years thereafter i.e. on 14.5.88 his services were terminated. He made a representation against the same on the basis of the leading judgements of the Hon'ble Supreme Court and Central Administrative Tribunal respectively. Thereafter the applicant was reappointed as Casual Labour on 16.11.89 but his services were again terminated on 31.12.90 without assigning any reason whatsoever. The applicant again made a representation and on 16.1.91 an offer of temporary appointment was made for appointment on temporary post of peon in the grade of Rs.750-12-870-EB-14-940 with other allowances entitled to. The said offer provided that "the applicant shall be on 2 years probation likely to be extended further." His appointment may be terminated at any time without assigning any reason but with a month's notice or pay and allowance in lieu thereof. The appointing authority however reserves the right to terminate the services forthwith or before the expiry of the period of notice by making payment of a sum equivalent to the pay & allowances for the period of the unexpired portion thereof."

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2. The respondents have filed their reply in which they have stated that the applicant has worked on daily wages in different Units of the P&T Department for varying periods and the employment was on day-to-day basis as per requirement of the work. The engagement of workers is on casual basis to meet day to day requirement. The applicant having been appointed as temporary peon on probation for a period of two years, his services should not have been terminated in this manner. It clearly shows that the termination order is arbitrary. With the above observation, we allow this petition and the termination order dated 24.7.91 is quashed. The applicant shall be deemed to have continued in service but he will not be entitled to the salary from the date of termination to this date only. The applicant shall be taken back in service as a temporary peon forthwith. There will be no order as to costs.

Janosyft
Member (A)

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Vice Chairman

Dated the 18th Sept., 1991.

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