

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A.no. 490/92

Lucknow this the 7th day of March, 2001.

HON. MR. D.C.VERMA, MEMBER(J)

HON. MR. S.A.T. RIZVI, MEMBER(A)

Karuna Shankar Bajpai, aged about 32 years son of Sri Bal Govind Bajpai, resident of village Mohaddinpur, Pargana Harha, Tahsil Unnao, District Unnao.

Applicant.

By Advocate Shri Anoop Srivastava, B.H. for Shri Anil Kumar.

versus

1. Union of India through the Secretary, Ministry of Railways, New Delhi.
2. The Divisional Railway Manager, Northern Railway, Lucknow.
3. The Station Master, Sonik Railway Station, Unnao.
4. The Divisional Operating Superintendent, Northern Railway, Lucknow.

Respondents.

By Advocate Shri A.K. Chaturvedi.

O R D E R (ORAL)

BY D.C.VERMA, MEMBER(J)

Vide this O.A., the applicant has claimed for quashing of the termination order dated 16.6.92 and for reinstatement on the post of Substitute Porter with all emoluments and service benefits.

2. As per recitals made in the O.A., the applicant worked as Substitute Porter w.e.f. 20.5.78 at Railway Station Harauni for about 254 days with break. The applicant claims to have

been appointed on the post vide order Annexure-1 dated 10.11.81 by Divisional Personnel Officer, Lucknow as Substitute Porter. The applicant was also put to medical examination and was declared fit vide Annexure-2. Free railway pass and P.T.O. was also issued from time to time to the applicant. Subsequently, the applicant, due to murder of one Rama Kant Shukla, proceeded on leave vide Annexure-4 to the O.A. Thereafter, the applicant joined on 10.5.92 as Substitute Porter at Sonik Station, Unnao. In all, as claimed, the applicant worked for about 1640 days.

3. The respondents' case is that the applicant worked only from 10th May, 92 to 16th June 92 for 37 days at Railway Station Sonik. The applicant never worked prior to 10.5.92 or after 16.6.92. The certificates, copies of which have been annexed, have not been accepted by the respondents. Further case is that prior to 1.6.78, power of appointment was with the D.R.M. and after 1.6.78, the appointment power was with the General manager. Thus, any appointment given to the applicant by an officer below D.R.M. is not valid.

4. The learned counsel for the parties have been heard. It is seen that with his Supplementary Rejoinder, the applicant has filed copy of casual labour card wherein the working days between 20.5.78 to 12.5.79 is recorded as 254 days. The working period after 12.5.79 is not recorded in this document. If the applicant worked even after 12.5.79, the period should have been recorded in the service record i.e. Casual Labour Card. The working of the applicant at Harauni Station is only admitted to the respondents for 37 days. At other places, the

