

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

JUDGMENT IN TRANSFERRED APPLICATIONS NOS. 155/87; 156/87;
157/87; 158/87; 159/87.

Shri Pandit T. Bhalerao
Ramabai Nagar
Manmad
Talq. Nandgaon
Dist. Nashik

Applicant in Tr.No.155/87

Shri Vijay Ramdas Pawar
Muktangan Garden
Manmad
Talq. Nandgaon;
Dist. Nashik

Applicant in Tr.No.156/87

Shri Sopan E. Bagade
Deolali
Dist. Nashik

Applicant in Tr.No.157/87

Shri Bhimrao V. Dhuldhule
Ramabai Nagar
Manmad
Talq. Nandgaon
Dist. Nashik

Applicant in Tr.No.158/87

Shri Arun Ramrao Mahajan
Bhusawal
Dist. Jalgaon

Applicant in Tr.No. 159/87

V/s.

1. General Manager
Central Railway
Bombay VT
2. Executive Engineer
Central Railway
Track Machine
Jhansi
3. Assistant Engineer
Central Railway; Jhansi
4. Chief Foreman(TT)
Manmad-Nandagaon
Dist./ Nashik

Respondents

Coram : Hon'ble Vice Chairman B C Gadgil
Hon'ble Member(A) L H A Rego

ORAL JUDGMENT

DATED : 5.4.88

(PER: B C Gadgil, Vice Chairman)

These five matters can be disposed of by a short order.

Each of the applicants in these matters has been working as Casual Khalashi with the Central Railway.

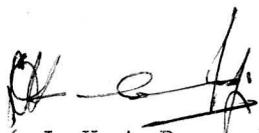
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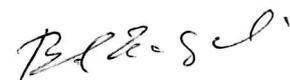
The Administration gave a notice to each of them on 19.9.1985 terminating the service on 19.10.1985. This notice was subsequently modified/alterd on 8.10.1985 and the service of each of these applicants was sought to be terminated from 18.12.1985. The applicants, therefore, filed Regular Civil Suit complaining that the contemplated termination is bad and that they have right to continue in service. The Civil Court has passed an order directing the respondents to maintain status quo. Thus each of the applicants continue to be in service uptill now.

After the matters were transferred to this Tribunal we have issued notices to the respondents. Mr. S P Upadhyaya, Assistant Engineer, Track Machine, Jhansi as also Mr. C G Panse, Chief Foreman, Track Machine, Manmad are present before us. Each of the applicants is also present. The respondents have informed this Tribunal that the impugned notice has been withdrawn on 26.9.87 by the Department and that they do not intend to act upon that notice of contemplated termination of service. In view of this position the cause of action does not survive and consequently each of these transferred applications is liable to be disposed of as not surviving. Hence, we pass the following order:

ORDER

Transferred applications nos. 155/87; 156/87; 157/87; 158/87; and 159/87 are disposed of as not surviving. No order as to costs. This judgment should be kept in Transferred Application No.155/87. A copy be kept in the remaining applications.


(L H A Rego) 5.4.88.
Member(A)


(B C Gadgil)
Vice Chairman