

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCH

OAXXN

198

T.A. No. 161/87

DATE OF DECISION 10.10.1988Syed Ashif Syed Balam

Petitioner

Mr. Eapen K. Thomas

Advocate for the Petitioner(s)

Versus

Divisional Rly. Manager, Central Rly. DRM, Bhusawal. RespondentMr. R.K. Shetty

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Gadgil, Vice Chairman

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not?]
3. Whether their Lordships wish to see the fair copy of the Judgement?]
4. Whether it needs to be circulated to other Benches of the Tribunal?]



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

Tr.A.No. 161/87

Syed Ashif Syed Balam,
C/o. S.A.Balam,
Head Police Constable,
Iqbal Majid Chawli No.2,
Gowandi Mohalla, Gully No. 42/2,
At.Post: Kalyan, Dist.Thane.

Applicant

v/s.

Divisional Railway Manager,
Central Railway, DRM's Office,
At & Post: Bhusawal, Dist. Jalgaon.

Respondent

CORAM: Hon'ble Vice Chairman Shri B.C.Gadgil
Hon'ble Member (A) Shri P.S.Chaudhuri

Appearances :

Shri Eapen K. Thomas
Advocate
for the Applicant

Shri R.K.Shetty
Advocate
for the Respondent

ORAL JUDGMENT

Dated: 10.10.1988

(PER: B.C.Gadgil, Vice Chairman)

OA 200/87 of the file of the Principal Bench of the
Administrative Tribunal is transferred to this Bench of
the Tribunal by the orders of the Chairman and is numbered
as TR. 161/87 of the file of this Bench.

2. The matter can be decided by a very short order.
The applicant was serving as a Monthly Rated Casual Labour
under Station Superintendent, Khandwa. On 30.7.1986 a
notice was given to the applicant informing him that his
services would stand terminated after the expiry of 30 days'
notice period and the applicant would be paid retrenchment

Am

compensation as due under Section 25 F(B) of the Industrial Disputes Act on the date of retrenchment through the Station Superintendent, Khandwa. The contention of the applicant is that the amount of retrenchment compensation was not paid at the time when his services were terminated. There are other contentions also in the application but we need not consider these other contentions at this stage. The main prayer in the application is to set aside the illegal impugned orders and to reinstate the applicant in service.

3. The respondents have filed their reply. In the reply there is no specific and clear denial that the amount of retrenchment compensation was either paid or offered to be paid at the time of expiry of the 30 days' notice period. Mr.Thomas, the learned Counsel for the applicant, drew our attention to the above mentioned notice dated 30.7.1986. A copy of the said notice was sent to DRM (P) Bhusaval with a note "DRM (P) BSL for information and necessary action. He will please arrange payment after expiry of notice period". This endorsement again gives an indication that the railway administration has not either paid compensation or offered to make payment at the time of termination of service. Non-compliance of the provisions of Section 25 F(B) of the Industrial Disputes Act makes the impugned termination of service illegal. Hence, we pass the following order.

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O R D E R

The termination of the service of the applicant in pursuance of the notice dated 30.7.1986 is held to be illegal and is quashed. The respondents are directed to reinstate the applicant with all back wages and other consequential benefits within a period of one month from today. Parties to bear their own costs.

B.C.Gadgil
(B.C.GADGIL)
Vice Chairman

P.S.Chaudhuri
(P.S. CHAUDHURI)
Member (A)