

(11)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.809/87

Ravindra Kumar Gautam,
C/o. Shri G.K.Masand,
Advocate, High Court,
24-B, Rajabhadur Mansion,
3rd Floor, Hamam Street,
Fort,
Bombay - 400 023.

.. Applicant.

vs.

1. Union of India
through
The General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.
2. Divisional Railway Manager,
Bombay Division,
Western Railway,
Bombay Central,
Bombay - 400 008.

.. Respondents

Coram: Hon'ble Shri G.Sreedharan Nair, Vice-Chairman
Hon'ble Shri M.Y.Priolkar, Member(A)

Appearance:

None present on
either side.

ORAL JUDGMENT:

Date: 21-8-1990

(Per G.Sreedharan Nair, Vice-Chairman)

The applicant who was engaged by the respondents as a Mobile Booking Clerk in 1983 has filed this application to quash the order dated 25.10-1987 by which his engagement was terminated with effect from that date and for a direction to the respondents to consider him for absorption as regular Booking Clerk by holding the necessary screening test in accordance with the provisions contained in the Railway Board's letter dated 21-4-1982.

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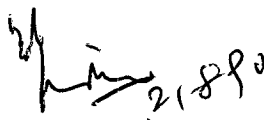
(12)

2. The respondents have filed reply where it is stated that as per the instructions contained in the letter dtd. 11.4.83 only those Mobile Booking Clerks engaged prior to 14-8-81 were to be considered for screening and as ~~such~~ ^{he} engagement of the applicant was only from 5.2.83 he was not eligible and hence was not called for the screening test. It is also stated that the engagement of the applicant was terminated on detecting fraud in the issue of season tickets.
3. Today when the matter was taken up for hearing neither the applicant nor his counsel turned up. No representation was made on his behalf. We have perused the records.
4. Admittedly the engagement of the applicant was only for performance of part time duty, though later his services were utilised for a full shift of eight hours. The Railway Board took up the question of regularisation of the Mobile Booking Clerks and accordingly those who were engaged prior to 14-8-81 were to be considered for screening for the purpose of such regularisation. The instructions do not cover persons who were engaged thereafter and as such the claim of the applicant for regular absorption cannot be allowed. Since no valid ground has been made out for assailing the order by which the engagement of the applicant

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was terminated the prayer in that respect is also
to be rejected.

5. The application is dismissed.


(M.Y. PRIOLKAR)
Member(A)


(G. SREEDHARAN NAIR)
Vice-Chairman