BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A.247/87

1. Shri Jaitu T. Tiwari,
C/o.Rambahadur Yadav,
Waldhooni, Ashok Nagar,
Murgibai ki Chawl,
Kalyan,
Dist.Thane. .. Applicant

vs.

Divisional Electrical Engineer,
Traction Dept.,
Central Railway,
Kalyan. .. Respondent

2. O.A.248/87

Shri Kishore Govinda Ingle,
C/o. R.D.Nemade,
Narayan Nagar,
Kochgaon,
Ambernath. .. Applicant

vs.

Divisional Electrical Engineer,
Traction Dept.,
Central Railway,
Kalyan. .. Respondent

3. O.A.249/87

Shri Vilas Lotu Chaudhary,
Narayan Nagar,
Kosgaon,
Ambernath,
Dist.Thane. .. Applicant

vs.

Divisional Electrical Engineer,
Traction Dept.,
Central Railway,
Kalyan. .. Respondent

4. O.A.251/87

Shri Prabhakar Narayan Bane,
Behind Shiv Chhaya Sadan,
Jimibaug, Kolsewadi,
Kulgaon(East) .. Applicant

vs.

Divisional Electrical Engineer,
Traction Dept.,
Central Railway,
Kalyan. .. Respondent

5. O.A.261/87

Shri Shanteram Namdeo Shinde,
Railway Building No.M/SRE I/CR/
No.17, Ashok Nagar,
Kalyan. .. Applicant

vs.

The Divisional Railway Manager,
Central Railway,
Bombay V.T. .. Respondent

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6. O.A.310/87

Shri Mohamed Bahid Safi,
C/o. Shri G.K.Masand,
Advocate,
24-B,Rajabahadur Compound,
3rd Floor,Hamam Street,Fort,
Bombay - 400 023. .. Applicant

vs.

a) Union of India
through
The General Manager,
Central Railway,
Bombay V.T.

b) Assistant Engineer(Works)
Central Railway,
Byculla,
Bombay - 400 008.

c) Inspector of Works
(Maintenance)
Central Railway,
Wadi Bunder,
Bombay. .. Respondents

7. O.A. 410/87

Shri Bapu Deochand More,
R/o.PATONDE,
Tal.Chalisgaon,
Dist.Jalgaon. .. Applicant

vs.

a) Union of India
through
The General Manager,
Central Railway,
Bombay V.T.

b) Chief P.W.I.(N)
Chalisgaon,
Dist.Jalgaon. .. Respondents

8. O.A.426/87

Shri Gangaprasad S.Yadav,
C/o. R.S.Yadav,
Shantabai ki Chawl,
Room No.4, Halavpur,
Kurla,Bombay - 400 070. .. Applicant

vs.

The Dy.C.E.(Const.)
Central Railway,
Bombay V.T. .. Respondent

9. O.A.427/87

Shri Suresh Namdeo Gole,
Deepak Niwas Building,
Behind Kadam Building,
Rambaug Main Road,
Kalyan - 421 301. .. Applicant

vs.

The Dy.C.E.(Const.)
Central Railway,
Bombay V.T. .. Respondent

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10. O.A.455/87

Shri Bharat Mahipat Salunkhe,
Maratha Kolseadi,
Hanuman Tekadi,
Bhosale Chawl,
Tal.Kalyan,Dist.Thane. .. Applicant

vs.

The Dy.C.E.(Const.)
Central Railway,
Bombay V.T. .. Respondent

11. O.A.542/87

Shri Abu Zapar Qureshi,
C/o.L.M.Nerlekar,
Advocate,
140, Usha Niwas,
Shivaji Park,
Road No.5,
Bombay - 400 016. .. Applicant

vs.

The Divisional Rly.Manager,
Central Railway,
Bombay V.T. .. Respondent

12. O.A.543/87

Shri Ram Dan Jokhai Prajapati,
[illegible]kat Ali Nagar,
Ar[illegible]op Hill, Wadala,
Gautam Nagar Zopadpatti,
Bombay - 400 037. .. Applicant

vs.

The Divisional Rly.Manager,
Central Railway,
Bombay V.T. .. Respondent

13. O.A.544/87

Shri Mukund R.Yevale,
Swadeshi Mills Road,
Tadwadi,
Mandale Chawl,Chunabhatti,
Bombay - 400 022. .. Applicant

O.A.545/87

Mohd Hanif Sheikh Baboo,
Railway Quarter,
RB II-554,Railway Colony,
Trombay,Wasinaka,
Bombay - 400 074. .. Applicant

15. O.A.546/87

Shri Anand Dattaram Rane,
Laxmi Cottage,
Bldg.No.B,Room No.97,
3rd Floor,Dr.Ambedkar Road,
Bombay - 400 012. .. Applicant

16. O.A.552/87

Shri Shashikant D.Lad,
Kumberwada,
Shankar Teli Chawl,
Opposite Subha Maidan,
Kalyan,Dist.Thane. .. Applicant

vs.

The Divisional Rly.Manager,
Central Railway,Bombay V.T. .. Respondent in all the above cases from Sr. No.13 to 16.

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17. O.A.572/87

Shri Dinkar Kisan,
Mahatma Phule Nagar Zopadpatti,
Shri Guru Narayan High School,
Chawl No.7,
Bombay - 400 089. .. Applicant

vs.

The Deputy Chief Engineer,
Central Railway,
Bombay V.T. .. Respondent

18. O.A.588/87

Jyotiram Sopanrao Jagdale,
Room No.689,
Vikasnagar(Kiwle)Dehuroad,
at Post Dehuroad,
Tal.Haveli,
Dist.Pune. .. Applicant

19. O.A.589/87

Vishwanath Krishna Mane,
Room No.L-30,Netke Chawl,
(M.B.Camp),At Post-Dehuroad,
Tal.Haveli, Dist.Pune. .. Applicant

20. O.A.613/87

Shri Anant Nathuram Deshmukh,
Shirse,Post-Kondiwade,
Tal-Karjat,
Dist.Raigad. .. Applicant

21. O.A.646/87

Shri Harendra Prasad Gupta,
House No.198,Central Railway
Quarters, Subhash Chowk,
Kalyan,Dist.Thane. .. Applicant

22. O.A.647/87

Shri Bhaskaran Ayyan,
Central Railway Quarters,
MS/RB/I/1001/7,
Waldhone,Kalyan. .. Applicant

23. O.A.648/87

Shri Atmaram Harichandra Nighojkar,
Mahavir Peth,Karjat,
Dist.Raigad. .. Applicant

24. O.A.745/87

Shri Vasudeo Kondaji Munde,
Residing at Porle,
Post-Porle,Via Kalyan,
Desai Patil Pada,
Tal-Thane,Dist-Thane .. Applicant

25. O.A.793/87

Shri Asharam Dinanath Hinge,
C/o.Shivaji Somnath Dalvi,
Patrayachai Chawl,Tal- Thane,
Near.Rajan Bhadur Mills, .. Applicant
Laxmi Provision Stores,
Tadiwala Road,Pune-411001.

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26. O.A.794/87

Shri Satprakash Omprakash Sharma,
C/o. K.G.Sharma,
MS/RBI/995/31,Railway Colony,
Kolshe Wadi,
Kalyan. .. Applicant

27. O.A.4/88

Shri Dilip Baburao Bhonsale,
Near F-Cabin,
Milind Nagar,
Kate Manveli,
Kalyan(East),
Dist.Thane. .. Applicant

28. O.A.23/88

Javed Shaikh Abdul,
416,New Mangalwar Peth,
Near Kalewada,
Pune - 411 011. .. Applicant

29. O.A.53/88

Shri Ratanakar Yeshwant Kulkarni,
C/o.M.V.Chandratraya
Murar Sheth chawl,
Murbad Road,
Kalyan. .. Applicant

30. O.A.88/88

Shri Motilal Deviprasad Bari,
C/o. P.R.Singh,
Dr.Granti Road,
Parsi Colony,
Ujwala Apartments,4th Floor,
Bombay - 400 014. .. Applicant

31. O.A.103/88

Anil Dayanand Gaikwad,
119, Jagtap Chawl,
Ward No.2,
Dapodi,
Pune - 411 012. .. Applicant

32. O.A.114/88

Shri Vilas Madhukar Bhalerao
Brake's Man Chawl,
'J' Type,
Room No.170,
Murbad Road,
Near Chaya Talkies,
Kalyan. .. Applicant

33. O.A.115/88

Shri Virendra Vijay Dey,
Narayan Bengali Chawl,
Room No.1,Maratha Kolsewadi,
Kalyan. .. Applicant

34. O.A.116/88

Shri Abdul Karim,
Brake's Man Chawl,'J'Type,
Room No.137,
Murbad Road, Kalyan. .. Applicant

vs.

The Divisional Railway Manager,
Central Railway,
Bombay V.T. .. Respondent in all the above cases from Sr. No.18 to 36.

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

Appearances:

1. Shri L.M.Nerlekar
Advocate for applicants at Sr.Nos. 1 to 5, and 8 to 34

2. Shri G.K.Masand
Advocate for applicat at Sr.No.6

3. Shri H.N.Tripati,
Advocate for applicant at Sr.No.7

4. Shri R.K.Shetty
Advocate for Respondent at Sr.Nos.1 to 4, Sr.16,Sr.No.20,Sr.Nos. 27,28,31 & 34

5. Shri D.S.Chopra,
Advocate for Respondent at Sr.Nos.5,6,8, 9,10,11,12,13,14,15, 17,18,19,29,30,32,33

6. Shri V.G.Rege,
Advocate for Respondent at Sr.No.7,

7. Shri P.R.Pai,
Advocate for Respondent at Sr.Nos.21,22,23,24,25, 26,

... 7/-

JUDGMENT Date: 17-8-1988

(Per B.C.Gadgil,Vice-Chairman)

These applications can be decided by a common judgment. This is more so, when the controversy is practically concluded by the judgment passed by this Tribunal on 14-8-1987 in O.A.No.219/86 (Kismatram Kedaram vs. The Divisional Railway Manager, Central Railway,Bombay V.T.) and other connected matters. The Railway Administration has filed Review Petitions before this Tribunal viz. Review Petitions Nos. 34/87 and others. The said Review Petitions were dismissed by us on 17-11-1987. The Railway Administration has preferred Special Leave Petition in the Supreme Court against the dismissal of the said Review Petitions and on 1-2-1988 the Supreme Court has dismissed the SLP.

2. It is not necessary to narrate the facts in each of these applications. Suffice it to mention the facts only in regard to O.A.268/87. The applicant in this application is a casual labour working with the Railway Administration from 1982. He claims that he had attained temporary status as an employee in the Railway as he had worked for more than 120 days. It is seen that the respondent had taken a decision that while employing persons as casual labourers, preference was to be given to those who had previously worked as casual labourers and whose services were earlier terminated for want of work. According to the respondent, the applicant has produced a false casual labour card showing that he had previously worked with the Railway Administration and on that basis, secured employment in 1982. The respondent issued a letter dtd. 23-10-1986 stating therein, that the applicant

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had obtained employment, on the basis of a Casual Labour Card bearing No.318158, which showed that the applicant had previously worked with the railway administration. The letter further states, that it has been found that the said labour card was a forged one. The applicant was therefore asked to state as to why his service should not be terminated for this reason. The applicant gave a reply on 13-11-86 denying the allegation that he had not worked previously with the railway administration or that the labour card was forged or bogus. He has also stated that the Casual Labour Card No.318158, does not belong to him and that the Department had lost the labour card produced by him. The Personnel Department of the railway administration by its letter dtd. 9-12-1986 terminated the services of the applicant forthwith, on the ground, that he had obtained employment on the basis of a false casual labour card. It is this order that is challenged by the applicant.

3. The allegations in the remaining applications are practically similar. Only the date of entry in service, the date of notice issued by the Department and the date of termination would differ. These applicants therefore claim that the termination of their service without holding a departmental enquiry was bad, as the termination is simpliciter but has attached a stigma to the applicants.

4. The respondents have denied the allegations made in all the applications. It was contended, that the Department checked the service record and found that each of these applicants was not previously employed by the railway administration. They therefore assert that the termination of service was legal and proper. This is the type of reply given by the

respondents in some of the applications, while in other applications no written reply has been filed. However, the contention advanced in the course of the hearing was uniform and similar.

5. It is common ground that no departmental enquiry as contemplated by the Railway Rules has been held before the railway administration terminated the service of all the applicants on the allegation that these applicants had produced a bogus casual labour card. Before proceeding further we would like to give below in a nutshell the relevant dates about the entry in service, date of notice, reply given by the applicant and the date of termination.

O.A.No. & Name of the applicant.	Date of entry in service	Date of notice by Rlys.	Date of reply given by the applicants.	Date of termination
(1)	(2)	(3)	(4)	(5)
) O.A.247/87 Shri J.T.Tiwari	10-12-83	29-1-87	11-2-87	No Termination order.
) O.A.248/87 Shri K.G. Angale.	3-4-84	29-1-87	11-2-87	- do -
) O.A.249/87 Shri V.L. Choudhari	13-4-83	29-1-87	11-2-87	- do -
4) O.A.251/87 Shri P.N.Bane	6-3-83	27-1-87	11-2-87	- do -
5) O.A.268/87 Shri S.N. Shinde.	12-7-82	23-10-86	13-11-86	9-12-86
6) O.A.310/87 Shri M.B.Safi	21-11-83	14-1-87	17-1-87	No Termination order.
7) O.A.410/87 Shri B.D.More	22-4-81	20-1-87	27-1-87	

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