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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~██████████~~
~~██████████~~ BOMBAY BENCH

O.A. No. 605/87

198

~~Tax No.~~

DATE OF DECISION 10.10.91

Mrs. Manjula Parmar

Petitioner

Mr. M.S. Ramamurthy

Advocate for the Petitioner(s)

Versus

Sr. Divl. Commercial Supdt.

Respondent

Mr. R.C. Master

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice U.C. Srivastava, Vice-Chairman

The Hon'ble Mr. M.Y. Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
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? /

MGIPRRND-12 CAT/86-3-12-86-15,000


(U.C. Srivastava)
V/c

(2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

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Original Application No.605/87

Mrs. Manjula Parmar,
C/o. T.R.Talpade, Advocate,
Narottak Niwas,
308, Jawaji Dadaji Marg,
Nana Chowk, Bombay 400 007.

... Applicant

V/s

1. Sr. Divisional Commercial
Superintendent, Western Rly.,
Bombay Central,
Bombay 400 008.

2. Sr. Divisional Personnel
Officer, Western Railway,
Bombay Central,
Bombay 400 008.

... Respondents

CORAM : Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Mr. M.S.Ramamurthy, Advocate
for the applicant and
Mr. R.C.Master, Advocate
for the respondents.

ORAL JUDGEMENT:

Dated : 10.10.1991

(Per. U.C.Srivastava, Vice-Chairman)

The applicant who was employed as Sub. BRC-cum-Inquiry Clerk at Bombay Central, Western Railway for different spells from or about 1975 onwards. But about 26th August, 1980 she was employed continuously. Her services were abruptly terminated vide notice dated 15th November 1982 treating her to be a temporary employee. The applicant continuously agitated before the departmental authorities questioning the termination order. In the month of November 1982 a reply was given to the Secretary of the Union stating that her termination order stands good and there was no question of waiting for any fact finding enquiry or getting a vigilance report against a substitute. From the letter it is clear that on the basis of some vigilance report her services were

terminated. The applicant even thereafter continued to agitate the matter and ultimately the departmental authorities yielded and vide order dated 4.5.1985 an order was passed that it has been decided to engage her as sub LBRC - BCT and that she should report for duty to S.S.B.T. immediately. In pursuance of that she joined but she was not satisfied with the nature of the order and claimed continuity in service as according to her, her services were illegally terminated. Departmental authorities again yielded and vide order dated 24.12.85 a communication was sent informing that her services be treated as continuous and her pay may be drawn and accordingly her period of absence from 15.11.82 to the date she joined be treated as leave due as she has not performed duty during this period. Admittedly no leave was due to the applicant. Respondents have tried to challenge the prayer of the applicant on the ground of limitation. The question of limitation will not apply in this case as the applicant has been continuously agitating in the matter and her agitation bore fruit at every stage. From the record of the respondents it is clear that the applicant's services were terminated because there was vigilance report against her and instead of taking any departmental proceedings her services were terminated. Obviously the termination order was by way of punishment without holding any enquiry and that is why the mistake which was committed earlier was rectified. ~~IN THESE CIRCUMSTANCES~~ The applicant thus was wrongly deprived of her services. In view of the fact that the applicant has thus not worked may it be because of the action of the respondents but she cannot be allowed to get salary for all these periods. But the ends of justice will be met if she is given one years salary meaning that the applicant will be treated to be continuous in service. Accordingly

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the respondents are directed to give one years' salary to the applicant for the period during which she remained out of service. With these observations the application stands disposed of. Let the payment be made within two months. There will be no order as to costs.



(M.Y. Priolkar)
Member(A)



(U.C. Srivastava)
Vice-Chairman

v/-