

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

XXXXXX

NEW BOMBAY BENCH

XXXXXX

T.A. No.

XXXX

154/87.

DATE OF DECISION 18.2.1988

Shri B.M.Ahire

Petitioner

Advocate for the Petitioner(s)

Versus
CR

The General Manager, & Ors.

Respondent

Shri Phanse, Chief Foreman, ^{Mamad} Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. J.G.Rajadhyaksha, 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?

NO

26/2/88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Tr. Application No. 154/87

Shri B.M. Ahire,
R/at Nandgaon,
Tal. Nandgaon,
Dist. Nasik.

... Applicant

v/s.

1. The General Manager,
Central Railway,
Bombay V.T.
2. The Executive Engineer (T.T.),
Tie Tamping,
Tal. and Dist, Jhansi,
Central Railway,
Jhansi.
3. Assistant Engineer (T.T.)
Tie Tamping, Jhansi,
Central Railway.
4. Chief Foreman (T.T.)
Manmad - Nandgaon.
Nasik.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri B.C. Gadgil.

Hon'ble Member(A), Shri J.G. Rajadhyaksha.

ORAL JUDGMENT

Date: 18/2/1988.

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

Original Regular Civil Suit No. 207/85 of the file of the Civil Judge, Junior Division, Manmad has been transferred to this Tribunal for decision.

2. The applicant was a Khalasi working under the Permanent Way Inspector, Nandgaon since September, 1979. He received a notice of termination of service on 19.9.1985 effective from 18.10.1985. That notice was withdrawn and a fresh notice was given on 8.10.1985 retrenching him from 18.12.1985. It is not necessary to go into all the averments in the plaint (application) but the prayer of the applicant was that he should not be retrenched and should be continued in service. Respondents had not filed any reply in the Civil Court. The Civil Court had ordered maintenance of status quo on 13.12.1985.

3. We have today heard the applicant in person and Mr. C.G. Phanse, Chief Foreman, Track Machines, Manmad for the Respondents Nos. 1 to 4. On 16.10.1987 the office has received a communication dt. 13.10.1987 signed by Mr. Radhakrishnan, Assistant Engineer, Jhansi that the applicant had never in fact been retrenched because of the status quo order and the retrenchment notice issued to the applicant in 1985 had been cancelled. It is also stated therein that the "sanction has been received". Presumably this is sanction to posts in which monthly rated Khalasis can be now appointed. Mr. Phanse makes a statement that the applicant now would be continued as monthly rated Khalasi. Consequently, the impugned notice does not now survive.

4. In view of the above position the cause for filing the suit against the threatened retrenchment on the basis of the notice dt. 8.10.1985 does not survive. Hence this Tr. Application is disposed of as not surviving, with no order as to costs.

B.C. Gadgil
(B.C. GADGIL)

VICE CHAIRMAN

J.G. Rajadhyaksha
(J.G. RAJADHYAKSHA)
MEMBER(A)