

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 818/88

198

~~XXXXXX~~DATE OF DECISION 7.6.1991V.M.Khatavkar PetitionerMr. Y.R.Singh Advocate for the Petitioner(s)

Versus

Divl. Rly. Manager, Bombay V.T. Respondent.Mr. J.G.Sawant Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. 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 ? *Yes*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

W
(U.C.Srivastava)
V/C

(9)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY
* * * * *

Original Application No.818/88

Vivek Madhavrao Khatavkar,
R/o Jai Bhavani Niwas,
Kasarwadi,
Pune 411 034

... Applicant

V/s

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

... Respondent

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

Appearances:

Mr. Y.R.Singh, holding the
brief of Mr. L.M.Nerlekar,
Advocate for the applicant and
Mr. J.G.Sawant, Advocate for
the respondent.

ORAL JUDGEMENT:

Dated : 7.6.1991

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

The applicant has approached this Tribunal against his termination order dated 8.4.1985. According to the applicant he was appointed as a Wireless Telecom Mechanic in Signal and Telecom (Microwave) Department of the Central Railway on 19.5.1982 and he continued till 18.4.1985 and he was getting Rs.260/- per month as wages but the averment of continuous service has been denied in the written statement and it has been stated that he was engaged as Casual Wireless Telecom Maintainer on daily wages on 19.5.1982 against a short term vacancy and he was continued on subsequent E.L.R. sanction against fresh short term vacancy from time to time. He remained

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unauthorisedly absent from 3.8.83 to 6.8.83 and again from 9.8.84 onwards and as such his services were not continuous. He was re-engaged as fresh casual labour on daily wages on 16.8.84 on a pay of Rs.13/- per day and it appears that he continued thereafter upto 19.4.1985 meaning thereby that he continued to remain in service for 240 days. In view of the fact that the applicant continued to work for 240 days the applicant was entitled to benefit of Section 25(F) of the Industrial Disputes Act. His services were not terminated in accordance with that provisions. As such the termination order is void and accordingly the application deserves to be allowed and the termination order is quashed. However it ^{will be made} clear that the applicant will be deemed to be continued in service provided sanction of the said post has not elapsed. However, ^{if} sanction has elapsed at any time thereafter the applicant as a retrenched employee will be given priority and preference in the matter of appointment and in case any other appointment has been made in between even then the applicant's claim and right for getting prior appointment will not come to an end. The application stands disposed of as allowed in these terms. There will be no order as to costs.



(M.Y.Priolkar)
Member (A)



(U.C.Srivastava)
Vice-Chairman