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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
NEW BOMBAY-400 614

O.A. No. 468/88 &
O.A. No. 851/89

O.A. 468/88

Shansham Mulechand Prajapati
C/o. Ramdhan Rampratapwadi
P.O. Murtajapur
Dist. AKOLA

... Applicant

v/s.

Union of India
through General Manager
Central Railway
Bombay V.T.

... Respondents

O.A. NO.851/89

Madhukar Khandu Suryawanshi
Chinchkhede;
post. Tarkhede
Tal. Pachora
Dist. Jalgaon

... Applicant

v/s.

1. Path Way Inspector
Central Railway
Pachora; dist. Jalgaon

2. Divisional Railway Manager(W)
D.R.M. Office; Central Railway
Bhusawal; Dist. Jalgaon-425001

3. Union of India through
General Manager
Central Railway; Bombay V.T. ... Respondents

Coram: Hon'ble Shri Justice U C Srivastava, V.C.
Hon'ble Shri M.Y. Priolkar, Member (A)

APPEARANCES:

Shri V M Bhandre
Advocate
for the applicant

Shri J G Sawant
Advocate for the
respondents.

ORAL JUDGMENT

DATED : 29-4-1991

(PER : M.Y. Priolkar, Member(A))

The services of the applicants have been terminated without holding enquiry on the ground that they have produced bogus service cards in support of their contention that they earlier served in Railway as casual workers. Casual workers employed in Railways are entitled for appointment as regular employees on the basis of their previous service in pursuance of a scheme drawn up under the directions of the Supreme Court.

2. The grievance of the applicant is however that though admittedly they had obtained temporary status after putting the required period of service as casual labour and were therefore covered by all the service conditions applicable to temporary employees of the Railways, the termination of their service was done without following the prescribed procedure for this purpose under the Railway Servants Discipline and Appeal Rules. They were terminated simply after issuing a show-cause notice without conducting inquiry as per Railway Servants Discipline & Appeal Rules.

3. This Bench has already decided a number of cases wherein we have held that the inquiry prescribed under the Railway Servants Discipline & Appeal Rules should not be dispensed with while terminating the services of casual worker once they obtain temporary status. We would, therefore, pass an order in these two cases also on the same lines as the one in the case earlier decided by us, in O.A. No. 308/88 on 13.3.1991.

Accordingly, we direct the respondents that the applicants should be reinstated in service from the date they offer themselves for employment within a

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period of six weeks from the date of receipt of this order. The applicants will, however, not be eligible for any back wages for the period that they have not worked. Respondents are also directed to hold regular inquiry against the applicants as required under the Railway Servants Discipline & Appeal Rules on the allegations about production of bogus service card and in case they are finally exonerated after completion of inquiry, they shall be entitled to get their back wages for the intervening period.

The applications are disposed of with these directions with no order as to costs.

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(M.Y. Priolkar)
M(A)

U
(U.C. Srivastava)
V.C.

28/4/81