

(3)

CAT/J/12

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

NEW BOMBAY BENCH

O.A. No. 137/88

XXXXXX

X88

DATE OF DECISION 25.3.1988

Shri Rajesh Raghunath Nikam,

Petitioner

Smt. Radha D'souza

Advocate for the Petitioner(s)

Versus

Union of India &amp; another

Respondent

Shri Dinesh Shah

Advocate for the Respondent(s)

## CORAM:

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

The Hon'ble Mr. M.B. Mujumdar, Member (J).

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



(4)

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

Original Application No.137/88.

Shri Rajesh Raghunath Nikam,  
Shantaben More Chawl,  
Koldongri, New M.G.Road,  
Vile Parle (East),  
Bombay - 400 057.

... Applicant.

V/s.

1. Union of India  
Through the Ministry of Railways,  
New Delhi.
2. The Chief Engineer,  
Survey & Construction,  
Western Railway,  
Head Quarter Office,  
Churchgate,  
Bombay 400 020, , , , Respondents.

Coram: Hon'ble Member(A), Shri J.G.Rajadhyaksha,  
Hon'ble Member(J), Shri M.B.Mujumdar.

Oral Judgment:

(Per Shri M.B.Mujumdar, Member(J)) Dated: 25.3.1988.

Heard Smt.Radha D'Souza, learned advocate for the applicant and Shri Dinesh Shah, learned advocate for the respondents on the point of admission and interim relief.

2. On 2.3.1988 when the matter came first before us we had granted interim relief directing the respondents not to dis-continue the services of the applicant till 12.3.1988. That order was continued upto today i.e. 25.3.1988.

3. The applicant was first appointed as a Casual Labourer in 1978, but he was discontinued w.e.f. 2.8.1982 as he was not prepared to accept his transfer. Again by an order dt. 4.8.1987 he was re-engaged as a Casual Labourer on daily rate w.e.f. 4.8.1987. However, by another order dt. 17.2.1988 his services were terminated by giving 15 days notice as his services were no more required in the office.

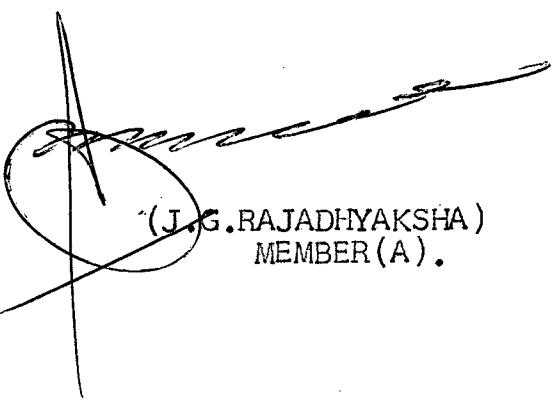
...2.

4. The applicant's grievance is that he had worked for more than 6 months and hence he had acquired the status of a temporary employee and as such his services could not have been terminated by 15 days notice. His second grievance is that two of his juniors are still retained in service and hence the action of the respondents is discriminatory and hence illegal.

5. However, we were told on behalf of the respondents that the applicant had not completed 240 days service. Moreover, though two of his juniors Shri V.K.Kudalkar and Shri Pema Rama who were appointed on 24.9.1981 and 2.11.1981, respectively are still retained in service, they are working as Bungalow Peons with the Officers, while the applicant was working in the office. As the services of the applicant were no more required in the office the same were terminated by giving 15 days notice. We were further told that no person working in the office junior to the applicant is retained in service. Hence if the applicant's services were no more required in the office, we do not think anything wrong in terminating his services by 15 days notice. After all, the applicant was engaged as a daily rated Casual Labourer.

6. We therefore, find no merit in the application and hence reject it summarily under section 19(3) of the Administrative Tribunals Act, 1985. Needless to say that the interim order passed by us on 2.3.1988 stands vacated.

  
(M.B. MUJUMDAR)  
MEMBER (J)

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