

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCH

O.A. No. 41/88
TXXXNOX

198

DATE OF DECISION 1-12-1988

Shri Walmik Shankar

Petitioner

Mrs. Radha D'Souza

Advocate for the Petitioner(s)

Versus

The Divisional Rlyl Manager, C.R. Respondent

Bhusawal.

Mr. R.S. Gadiyar (for Mr. V.G. Rege) Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. P.S. CHAUDHURI, 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?

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(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

O.A.41/88

Shri Walmik Shankar,
Village Godegaon,
Tal. Malegaon,
Dist. NASHIK.

.. Applicant

vs.

1. Union of India
2. The Divisional Railway Manager,
Central Railway,
Bhusawal,
Maharashtra. .. Respondents

Coram: Hon'ble Member (J) Shri M.B. Mujumdar

Hon'ble Member (A) Shri P.S. Chaudhuri

Appearances:

1. Mrs. Radha D'Souza
Advocate for the
applicant.
2. Mr. R.S. Gadiyar,
(for Mr. V.G. Rege)
Advocate for the
respondents.

ORAL JUDGMENT: (Per M.B. Mujumdar, Member (J))

1-12-1988

The applicant was employed as a Khalasi in January, 1977 at Deolali. By an order dtd. 13-3-87 passed by the Asstt. Engineer, Central Railway, Manmad, the Chief Permanent Way Inspector was directed to remove the applicant. On the basis of that order the Chief Permanent Way Inspector, Deolali, by his order dtd. 19-3-1987 removed the applicant from service with effect from 19-3-1987. The applicant has challenged that order by filing the present application on 7-1-1988. It is the grievance of the applicant that he was removed from the service without holding any departmental enquiry or even giving a showcause notice or retrenchment compensation.

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2. The respondents advocate had made a statement on 12.10.1988 that the respondents would not be filing any reply in this case.

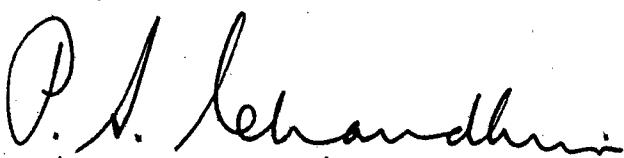
3. We have heard Mrs. Radha D'Souza, learned advocate for the applicant and Mr. R. S. Gadiyar (for Mr. V. G. Rego) advocate for the respondents. Mrs. Radha D'Souza submitted that the case is covered by a decision of this Tribunal in Surya Kant Raghunath Darole vs. The Divisional Railway Manager, Central Railway, Bombay, ATR 1988(1)CAT 158. By that judgment a number of cases were disposed of. As the points involved in this case and the case before the Bench in Darole's case are on the same lines we pass the following order:

(a) The impugned order dtd. 19-3-1987 passed by the Chief Permanent Way Inspector, Central Railway, Deolali **Exhibit** (Annexure 'A') is hereby quashed and set aside.

(b) It is hereby declared that the applicant has continued in service of the Railway administration and the respondents are hereby directed to reinstate him with full backwages and necessary perquisites as are permissible under the rules for the period from 19-3-1987 till the date of his actual reinstatement.

(c) The above order should be complied with within two months from the date of receipt of a copy of this order.

(d) Parties to bear their own costs.


(P.S. CHAUDHURI)
Member(A)


(M.B. MUJUMDAR)
Member(J)