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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 581/88

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DATE OF DECISION 8.7.1991

Shri Biganram Motilal Ram Petitioner

Mr.Y.R.Singh Advocate for the Petitioner(s)

Versus

Divisional Railway Manager Respondent
Central Railway, Bombay VT.

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.PRIOLEKAR, 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 ?

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY

ORIGINAL APPLICATION NO.581/88

Shri Biganram Motilal Ram
Khalasi, PWI(C), Central Railway,
Pen, Dist.Raigad,

.... Applicant

Vs.

Divisional Railway Manager,
Central Railway, Bombay, VT

.... Respondent

CORAM : HON'BLE SHRI U.C.SRIVASTAVA, VICE-CHAIRMAN
HON'BLE SHRI M.Y.PRIOLKAR, MEMBER(A)

Appearance:

Mr.Y.R.Singh, Adv.
for the applicant

Mr.J.G.Sawant, Adv,
for the respondent.

ORAL JUDGEMENT

DATED: 8.7.1991

(PER : U.C.SRIVASTAVA, Vice-Chairman)

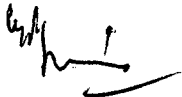
The Applicant, a Scheduled Caste man, was appointed as Khalasi in P.W.I.(C) Central Railway Pen on 11.12.1981 and worked till 15th July 1985. After his appointment he was sent for medical examination. The applicant was screened and found suitable for the post of Khalasi and this was communicated vide letter dated 26.6.1985. In pursuance of the same he approached the office of Divisional Railway Manager on some dates. According to the applicant, he was verbally told that he will not be employed unless he received a letter from Divisional Railway Manager, V.T.. Thus, it is alleged that he was illegally kept away from job.

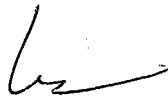
2. It has been stated by the counsel for the respondents, that the applicant failed to report for duty as required on 8.7.1985. It has not been admitted that the applicant attended the office of the Respondent on several dates. It is stated that he had not reported to P.W.I. Pen and thus, according to the respondent he abandoned the service. It is also stated by the counsel of the respondent, that he was on leave on 8.7.1985 and from 15.7.1985 to 20.7.1985. He was unauthorisely absent from duty from 21.7.1985 to 26.7.1985. On the plea of limitation raised by the respondent, the applicant has moved an application for condonation of delay, stating that he had made representation, and the proof of service was also produced, but did not get any result. The applicant also sent a reminder in 1987. Thereafter, he approached ~~to~~ the Legal Aid Committee for assistance and now approached the Tribunal. The facts do make out a case for condonation of delay and accordingly the delay is condoned. The applicant continued to work for four years and he was sent for screening and he was found suitable for the job. The applicant states that he is temporary employee, he also further states that no termination order has been passed in writting and no specific reason for termination has been communicated to him.

3. After considering the facts and circumstances, we are of the opinion, that the application deserves to be allowed. In view of the above facts there is no question of getting pay for this period for which he has not actually worked. The department will have to conduct a separate inquiry to pay him wages for this period. This has been agreed to by the learned counsel

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for the respondent, that the respondent will ~~be~~ taking ^{him} back in service as their employee in the same post within a period of one month. In case they do not appoint him within this period, he will be entitled to salary thereafter regularly for the post as if he is in employment. There will be no order as to costs. This order has been passed in the presence of counsel and the departmental representative, who came to assist him.


(M.Y. PRIOLKAR)
MEMBER(A)


(U.C. SRIVASTAVA)
Vice-Chairman