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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. s. 856/88, 857/88, 861/88, 198
T.A. No. 870/88, 419/88, 111/89,
112/89, 113/89, 114/89, 115/89
144/89, 286/89, and 390/89.

DATE OF DECISION 30.4.1991

Shri V.B.Sharma & Ors. Petitioner

Shri L.M.Nerlekar. Advocate for the Petitioner(s)

Versus

The BRM, Bombay V.T. and Another. Respondent

S/Shri J.G.Sawant, P.R.Pai and Subodh Joshi. 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 ?
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 ?

(U.C.SRIVASTAVA)
VICE-CHAIRMAN.

(11)

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

1. Original Application No.856/88.
Shri V.B.Sharma. ... Applicant.
2. Original Application No.857/88.
Shri S.R.Sharma. ... Applicant.
3. Original Application No.861/88.
Shri D.G.Gawale. ... Applicant.
4. Original Application No.870/88.
Shri Rasbihari Ram. ... Applicant.
5. Original Application No.111/89.
Shri Surendra Kedare. ... Applicant.
6. Original Application No.112/89.
Shri Yeshwant Madhavrao. ... Applicant.
7. Original Application No.113/89.
Shri Baloo Shivram. ... Applicant.
8. Original Application No.114/89.
Shri Uttam Sopan Jadhav. ... Applicant.
9. Original Application No.115/89.
Shri Parameshwar Patil. ... Applicant.
10. Original Application No.144/89.
Shri Ambikaprasad K.Gupta. ... Applicant.
11. Original Application No.286/89.
Shri Ashok Digambar Chaudhari. ... Applicant.
12. Original Application No.419/88.
Shri Dulachand Shiva Bachan Ram. ... Applicant.

V/s.

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

... Respondent.

13. Original Application No.390/89.

Shri Namdeo Chandu Bhoir.

... Applicant.

V/s.

Deputy Chief Engineer (Const.),
6th Floor, Central Railway,
Dadar, Bombay.

.... Respondent.

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

Appearances:-

Applicants by Mr.L.M.Nerlekar.
Respondents by Mr.J.G.Sawant,
Mr.P.R.Pai and Mr.Subodh Joshi.

Oral Judgment:-

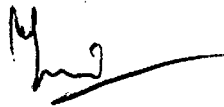
(Per Shri U.C.Srivastava, Vice-Chairman) Dated: 30.4.1991.

In these cases the services of the applicants who were Casual Labourers in the Railway Administration have been terminated on the ground that their Labour Card submitted by them was bogus service card, rather a forged bogus card. The applicants worked as Khalasis for more than 120 days and were also medically examined and were found fit. In view of working for considerable periods the applicants attained temporary status and the Railway Servants Discipline & Appeal Rules as applicable to temporary railway employees became applicable to them.

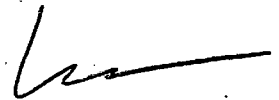
2. In view of the fact that their services have been terminated on this ground, the same could not have been done unless Disciplinary Proceedings were initiated and associating with the same the termination. In these circumstances it is not pure and simple, but is punitive in nature. This Bench has decided a large number of cases on this point and have allowed the same on this ground. It is not necessary to examine record of those cases.

3. In view of what have said above, the applications are allowed. The termination of the applicants are set aside. The applicants will be deemed to be continuing in service. The applicants will not be paid back wages, but will be deemed to be continuing in service for all benefits which they are entitled. It will be for the respondents to make inquiry into the matter and initiate Disciplinary Proceedings in accordance with law.

4. With the above observations the applications are allowed. However, there will be no order as to costs.



(M.Y. PRIOLKAR)
MEMBER (A)



(U.C. SRIVASTAVA)
VICE-CHAIRMAN