

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 914/88

198

xT:Acc:Boxx

DATE OF DECISION 6.4.92R R Pathak

Petitioner

Mr. L M Nerlekar

Advocate for the Petitioner(s)

Versus

Union of India & Ors

Respondent

Mr. R K Shetty

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. Justice 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? ✓

MGIPRRND-12 CAT/86-3-12-86-15,000

V.C.

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, "GULESTAN" BUILDING NO.6  
PRESCOT ROAD, BOMBAY-1

OA No. 914/88

Shri Ramdhan R. Pathak  
C/o. R S Pandey; Room No.7  
Chawal No.14/A; Vinobha Bhave Nagar  
Kurla Piep Road; Bombay 400070 ..Applicant

V/s.

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

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

APPEARANCE:

Mr. L M Nerlekar  
Advocate  
for the applicant

Mr. R K Shetty  
Counsel  
for the respondents

ORAL JUDGMENT:  
(PER: U C Srivastava, Vice Chairman)

DATED: 6.4.1992

The applicant was appointed as Assistant Pointsman on 10.4.1984 against a clear vacancy under Chief Yard Master. His services were discontinued from 22nd March, 1985 without assigning any reason. According to the applicant his services were terminated on the ground that the service record is not genuine. The applicant preferred an appeal against his termination and failing to receive any reply he has approached this Tribunal.

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No opportunity was given to the applicant for hearing. The respondents have put in their appearance and denied the claim of the applicant. They have stated that the applicant's services were terminated on no ground of mis-conduct.

Obviously if the applicant's services were to be terminated on the ground that he was in possession of a bogus card, holding of an inquiry was a must and without holding an inquiry his services could not have been terminated, as the applicant has attained a temporary status.

It is also clear from the written statement that the  
Sub-  
applicant worked as Assistant pointsman for the following periods:

10-4-84 to 30-4-84	21 days
1.5.84 to 31.5.84	31 days
1.6.84 to 30.6.84	30 days
3.7.84 to 21.3.85	262 days

As the applicant has attained temporary status, there was no proper sanction, the applicant's name should have been entered in the Register and the appointment should have been given to the applicant on his turn. But nothing as such has been done.

Accordingly the Respondents are directed to include the name of the applicant in the Register maintained for such persons and whenever the applicant's turn comes his appointment to such post or other post may be considered if his services were not terminated on the ground of mis-conduct. Let a consideration be made as far as possible within a period of three months. With the above observations the application is disposed of with no order as to costs.

  
( M Y Priolkar )  
M(A)

  
( U C Srivastava )  
V.C.