

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH NEW BOMBAY

ORIGINAL APPLICATION No. 253/1986

Shri Sureshram Govindram
Mukund Nagar
Pestan Sagar, Chembur
BOMBAY 400 089.

Applicant

V/s.

1. The Union of India through
General Manager, Central Rly.,
Bombay-V.T.

2. The Divisional Railway Manager
Central Railway, Bombay

3. Inspector of Works
Wadibunder, Central Railway

Respondents

Coram: Hon'ble Vice Chairman Shri B C Gadgil
Hon'ble Member(A) Shri L.H.A. Rego

APPEARANCE:

Mr.Nerlekar, advocate
for the applicant and
Mr.R.K.Shetty, counsel
for the Respondents.

JUDGMENT

Dated: 14.08.1987

(Per: B.C. Gadgil, Vice Chairman)

The applicant is a casual labourer in the Inspector of Works, Wadibunder, Central Railway, Bombay, who has acquired temporary status has filed this application for reinstatement in service from 18.9.1985 with full back wages. The applicant's case in brief is that for no reason, his services were terminated by an oral order and this was illegal.

2. In this case it is not necessary to consider the validity or otherwise of the above mentioned oral termination of service, as during the course of the hearing the Learned Advocates for the applicant and the respondents frankly stated before us that the applicant has been reinstated in service from 20.5.1987. Thus the relief for reinstatement does not survive and the only question is as to whether the applicant is entitled to back wages from 18.9.1985 till 20.5.1987. The fact that the applicant has

P.B.G.

been reinstated in service would necessarily imply that the above mentioned oral termination of service was bad, and, therefore, payment of back wages would be a consequence that must follow. Hence we pass the following order:

ORDER

- 1) The application partly succeeds.
- 2) It is not necessary to issue any order about reinstatement of the applicant as the applicant has been reinstated in service on 20.5.1987.
- 3) The Respondents are directed to pay to the applicant all back wages in full and the perquisites as admissible under the rules for the period from 18.9.1985 to 20.5.1987. *19-5-1987*
These directions should be complied within three months from to-day.
- 4) It is made specifically clear that this order would not come in the way of the Respondents to initiate any proceedings according to law and to pass appropriate orders thereafter.
- 5) Parties to bear their own costs of this application.

B. Chaudhury
(B C Gadgil)
Vice Chairman

Ch. Chaudhury 14.2.1987
(L H A Rao)
Member (A)