

3

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 765/89

198

~~FAA No.~~

DATE OF DECISION 22.11.1989

Shri R.K.A.K.Pathan

Petitioner

Shri D.V.Gangal

Advocate for the Petitioner(s)

Versus

General Manager, C.Rly. Bombay V.T.

Respondent s

and another.

Shri Subodh Joshi

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. M.Y.Priolkar, 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? *No*

*[Handwritten signature]*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA.No. 765/89

Shri Rashid Khan Anwar Khan Pathan,  
Safaiwala,  
Assistant Divisional Medical Officer,  
Central Railway - PANDHARPUR.

.. Applicant

vs.

1. General Manager,  
Central Railway, Bombay V.T.

2. Divisional Railway Manager,  
Central Railway, Solapur.

.. Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar  
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance:

Mr. D.V.Gangal  
Advocate  
for the Applicant

Mr. Subodh Joshi  
Advocate  
for the Respondents

ORAL JUDGMENT

Dated: 22.11.1989

(PER: M.B.Mujumdar, Member (J))

Though the case is fixed today for admission and interim relief, in view of the facts and statements made by the respondents in their reply opposing admission, we admit the application and propose to dispose it of finally.

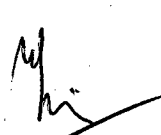
2. The applicant is working as a substitute Safaiwala for the last about 9 years. Of course, he was given some artificial breaks. The respondents have stated at the end of para 3 of their reply dated 22.11.1989 that in case the services of the applicant are to be terminated, due process of law shall be followed by the respondents. In view of this statement and the statement of Mr. Gangal in this respect, we pass the following order :-

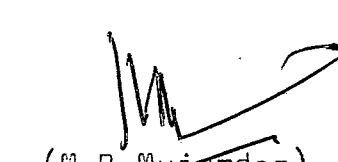
5

Respondents shall not terminate the services of the applicant as a substitute Safaiwala without following the procedure laid down by law and rules.

We further direct that in case the respondents terminate the services of the applicant, they shall not give effect to that order of termination for a period of 15 days from the date of service of that order on the applicant. In case the applicant will feel aggrieved by that order, he may file a fresh application under Section 19 of the Administrative Tribunals Act.

The application is disposed of on these lines, with no order as to costs.

  
(M.Y. Priolkar)  
Member (A)

  
(M.B. Mujumdar)  
Member (J)