

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 581/89

199

T.A. NO: --

DATE OF DECISION 9-1-1992

Sunil Shantaram Pawar

Petitioner

Mr.Y.R.Singh

Advocate for the Petitioner's

Versus

Divl. ~~railway~~ Railway Manager, CR. Bombay

Respondent

Mr.P.R.Pai

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman

The Hon'ble Mr. A.B.Gorthi, 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 ?

mbm* MD

(U.C.SRIVASTAVA)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.581/89

Sunil Shantaram Pawar,
Central Railway Colony,
R.B.I. Special 1016/13,
3rd Floor,
Waldhuni,
Kalyan.

.. Applicant

vs.

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

.. Respondent

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman.

Hon'ble Shri A.B.Gorthi, Member(A)

Appearances:

1. Mr.Y.R.Singh
Advocate for the
Applicant.
2. Mr.P.R.Pai
Advocate for the
Respondent.

ORAL JUDGMENT:
(Per U.C.Srivastava,Vice-Chairman)

Date: 9-1-1992

The applicant was appointed as Casual Khalasi under SS(TL)VT since 1986. He was engaged under SS (TL)VT as Casual Khalasi on temporary sanction of "Summer Exodus" for the various broken periods like 1.5.86 to 30.6.86, 3.4.87 to 30.6.87 and 2.4.88 to 15.7.88. Thereafter it appears that his services were discontinued but he was directed to appear before the Screening Committee on 2.9.1988 for considering his case for regular appointment. Before the Screening Committee the genuineness of the labour card held by him was disputed and the Screening Committee came to the conclusion that it was a bogus card and that is why the applicant could not pass the process of screening committee. The applicant has challenged the order on the ground that he ~~is holding~~ has attained temporary status

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as such without holding an enquiry his case could not have been rejected on the ground that he is holding bogus card.

2. From the facts stated above it is obvious that the applicant did not work for 120 days as such he did not attain temporary status. But once he was called for screening for regular appointment an opportunity should have been given to him. The Screening Committee on the basis of ex-parte report that it was a bogus card rejected his claim. The applicant should have been associated with the case and only after taking his version his case should have been rejected but the same was not done.

3. Accordingly the respondents are directed to give an opportunity to the applicant to have his say in the matter and thereafter to arrive at a conclusion whether he was holding bogus card or not. In case they come to the conclusion that he was not holding bogus card they may consider him for the screening otherwise his case shall not be considered. Let it be done within three months from the date of receipt of a copy of this order. The application is disposed of accordingly with no order as to costs.


(A.B. GORTHI)
Member(A)

MD


(U.C. SRIVASTAVA)
Vice-Chairman