

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 463/89. 198
T.A. No.

DATE OF DECISION 21.8.1991

Shri Janañdan Bindeshwari Rai Petitioner

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

Versus

Divisional Railway Manager, C.R., Bombay. Respondent

Shri S.C.Dhawan. 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? ✓

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

(U.C.SRIVASTAVA)
VICE-CHAIRMAN.

(7)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 463/89

Shri Janardan Bindeshwari Rai ... Applicant

V/s.

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

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

Appearance:

Applicant by Mr. L.M. Nerlekar.
Respondents by Mr. S.C. Dhawan.

JUDGEMENT

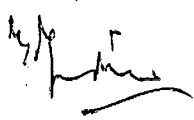
Dated: 21.8.91

¶ Shri U.C. Srivastava, Vice Chairman ¶

The applicant was appointed as Khalsai on 17.8.1984 on clear vacancy. He was medically examined, but on 17.7.1984 the Carriage Superintendent refused to employ him. On 19.6.1985 a letter was issued by the Carriage Superintendent stating that the services of the applicant are terminated as the service card of the applicant was not genuine. The applicant has approached this Tribunal at a belated stage. The applicant has stated that because other cases were pending and that is why he did not approach the Tribunal earlier waiting for the result and after the said result he has filed this application which he could not do so because of his poverty. The reasons given by the applicant are quite convincing and accordingly the delay in filing the same is condoned. The applicant has attained a temporary status and it appears that on the basis of this card his services were terminated without holding any inquiry. As the applicant did

not take any steps against this termination on this ground as such so far as the termination order is concerned the same could not be quashed.

2. We had occasion to consider similar cases and taking into consideration the facts and circumstances of the case and in the manner in which the services have been terminated. The termination order in this circumstances is punitive and accordingly the application deserves to be allowed and the order is quashed with the ~~correction~~ that let an inquiry be held and in case he succeeds in the inquiry, then the applicant may get back the service otherwise the applicant will be out of service. So far as the period is concerned, that will follow the result of the inquiry. We direct that preference can be given to the applicant for appointment in any available vacancy. In case those who were junior to him have already been accommodated the applicant may also be re-employed. This should be done expeditiously as early as possible against the available vacancy.


(M.Y. PRIOLKAR)
MEMBER (A)


(U.C. SRIVASTAVA)
VICE CHAIRMAN.