

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 272 of 1989

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DATE OF DECISION 1.8.1989

1. Shri Wilson Franshaw
 2. " Rajkumar Vasista
 3. " Vasudeo Pundlik
 4. " Omprakash Somnath
- Petitioner s

None for the applicants. Advocate for the Petitioner(s)

Versus

Union of India & 2 Others. Respondent

Shri J.G.Sawant 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

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.272/89

1. Wilson Franshaw
2. Rajkumar Vasista
3. Vasudeo Pundlik
4. Omprakash Somnath,
Office of District
Controller of Stores(RE),
Nagpur.

.. Applicants

V/s.

1. Union of India
through the
General Manager
Railway Electrification
Project,
Allahabad(UP)
2. District Controller of Stores,
Railway Electrification,
Ajni, Nagpur.
3. Dy.Controller of Stores,
Railway Electrification,
Nagpur.

.. Respondents.

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

Appearance:

1. None for the applicants.
2. Mr.J.G.Sawant,
Advocate
for the respondents.

ORAL JUDGMENT:

Dated: 1.8.1989

{PER: Shri M.B.Mujumdar, Member(J)}

The applicants are working as Khalasis in the office of District Controller of Stores, Nagpur. By notice dated 13.9.1988, their services were proposed to be terminated because they had obtained services by producing forged and bogus casual labour cards. Hence they have filed this application praying that the respondents be restrained from terminating their services

(4)

in pursuance of these notices without following the procedure of the Railway Servant (Discipline & Appeal) Rules, 1968 and without first proving the allegations in the said notices.

2. By order passed on 6.2.1989, respondents were directed not to terminate the services of the applicants till 20.2.1989, if they were still in service on that date. By order passed on 17.2.1989 that interim order was continued till the disposal of the application. By the same order the application was admitted also.

3. Respondents were directed to file their reply. But they have not filed any reply. However, on 4.7.1989 Mr.J.G.Sawant, learned advocate for the respondents stated that in view of the order passed by the Railway Administration, the application may not survive. Hence we issued notices to the applicant's advocate, but neither the applicants nor their advocate is present today.

4. We have heard Mr.J.G.Sawant, learned advocate for the respondents. He produced a copy of letter from the General Manager(Law), Railway Electrification, Allahabad, dated 19.6.1989.

That letter reads as follows:-

"Shri J.G.Sawant,
Advocate,
Shri Kripa,
Banganga Coop.Housing Society,
Govandi Station Road,
Govandi, Bombay-88.

Dear Sir,

Sub: Application no.96 of 1989
in CAT at New Bombay.
Shri Wilson Franshaw and three
Others(namely, Raj Kumar
Vasista, Vasudeo Pundlik and
Om Prakash Somnath) Vs.
Union of India.

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With reference to the earlier correspondence on this subject, it is seen from the copy of petition that application has been moved in the CAT/New Bombay jointly by the above named for suitable orders for restraining the respondents from terminating the services of the applicants in pursuant to the notice dated 13.9.88.

2. Since G.M. has accorded postfacto sanction to regularise the services of the employee, no cause of action survives in favour of the petitioners to maintain the case in the court of law.

You are requested to request the CAT/New Bombay to dismiss the petition and let this office know."

5. In view of the above letter we find that this application does not survive because the General Manager has accorded post-facto sanction to regularise services of the applicants. Hence the application is disposed of as it does not survive, with no order as to costs.


(M.Y. Priolkar)
Member(A)


(M.B. Mujumdar)
Member(J)