

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 31-7-87

APPLICATION NO 1308 /86(T)

W.P. NO 9315/84

Applicant

Shri Puttarangaswamy

V/s The Secy, M/o Railways & 2 Ors

To

1. Shri Puttarangaswamy
D.No. 334 E
M.G. Colony
Railway Quarters
Bangalore - 560 023

2. Shri S.A. Khuddus
Advocate
283, Railway Parallel Road
10th Cross, 12th Block
Kumara Park (West)
Bangalore - 560 020

3. The Secretary
Ministry of Railways
Rail Bhavan, New Delhi - 110 001

4. The Divisional Personnel Officer
Divisional Office
Personnel Branch
Southern Railways
Bangalore

5. Shri Syed Mahaboobulla
Substitute Hamal
Office of the Station Superintendent
Bangalore Railway Station
Bangalore - 560 023

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 24-7-87.

Encl : as above

6. Shri M. Sreerangiah
Railway Advocate
3, S.P. Buildings, 10th Cross
Cubbenpet Main Road
Bangalore - 560 002

B. V. Venkata Reddy
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

Received copy
msr
Adv on 31/8/87
Jc.
Leave two copies
for Adv. 31/7

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 24TH DAY OF JULY, 1987

Present: Hon'ble Shri P. Srinivasan, Member (A)
and
Hon'ble Shri Ch. Ramakrishna Rao, Member (J)

APPLICATION NO.1308/86

Shri Puttarangaswamy,
S/o Bheemi Mathigowda,
aged 23 years,
D.No.334 E, M.G. Colony,
Railway Quarters,
Bangalore-23.

.... Applicant.

(Shri Khuddus, Advocate)

v.

1. The Union of India
by its Ministry of
Railways, New Delhi.
2. The Divisional Personal
Officer, Divisional Office
Personal Branch,
Bangalore.
3. Syed Mahaboobulla,
Office of the
Divisional Railways
Manager, Personal Branch,
Bangalore.

.... Respondents.

(Shri M. Sreerangaiah, Advocate)

This application having come up for hearing to-day,
Hon'ble Member Shri P. Srinivasan, made the following:

O R D E R

This is a transferred application received from the
High Court of Karnataka.

2. In addition to the original Writ Petition filed
before the High Court the applicant filed an amendment

P. Srinivasan

petition before this Tribunal on 10.3.87, in the form of an interlocutory application (IA). The interlocutory application along with the original application has come up before us for hearing. We allow the amendment sought for by the applicant.

3. There are in all four prayers in the original application and in the amendment referred to above. They are:

1. that the applicant's name may be included in the seniority list of substitute Khalasis (Annexure-C, at page 15 of the original application) between serial numbers 50 & 51.
2. direct the respondents to absorb the applicant against an available vacancy before the 3rd respondent.
3. direct the respondent ^{M. Parth} to take the applicant back in service.
4. quash order dated 20.1.83 (Annexure-B to the amendment application) by which the applicant was stopped from service w.e.f. 21.1.1983 and to direct the respondent to reinstate the applicant in service from that date itself.

Shri S.A. Khuddus learned counsel for the applicant and Shri M. Sreerangaiah, learned counsel for respondents 1 & 2 have been heard.

P. S. We



4. The applicant was engaged as casual labour from 20.12.80. He was stopped from work on 2.6.82 and was again appointed as substitute Khalasi w.e.f. 3.6.82 by order dated 24.8.82 (Annexure-A to Original Application). Thereafter his services were terminated on 20.5.83. He was given temporary status by order dated 25.10.83 w.e.f. 20.4.81. Sri Khudus complains that since the applicant had worked from 20.12.80 as a temporary substitute Khalasi his services should not have been terminated on 21.1.83 without assigning any reason. His contention is that the services of the applicant were terminated only to accommodate respondent 3. Notices issued to respondents 3 at the address given by the applicant have not been served and so the matter has been heard in his absence.

4. Sri M. Sreerangaiah, learned counsel for the respondents, asserts that the applicant having been appointed only as a substitute Khalasi, his services could be dispensed with by the respondents at any time and that the respondents were not obliged to give any reasons for doing so. Therefore, the order dated 20.1.83 stopping the applicant from service was a perfectly valid one. He, further, clarified that the applicant has again been engaged from 1.5.85 as substitute Khalasi and is now in service. This, according to Sri Sreerangaiah, substantially remedies the grievance of the applicant.

P. S. 



5. After hearing counsel on both sides we agree that the grievance of the applicant has been substantially remedied by his being engaged from 1.5.85. We, therefore, do not see any reason to grant the prayers agitated in this application. However, the point still remains that the applicant had worked in a temporary or casual capacity from 20.12.80 to 20.1.83. This period of service should be taken into account by the respondent for considering the case of the applicant for regularisation and with that any ~~other~~ ^{that} remaining grievance he may have would also disappear.

6. We, therefore, direct respondents 1 & 2 to take into account the service rendered by the applicant from 20.12.80 to 21.1.83 for purposes of regularising his services and accord ^{him} seniority. The application is disposed of subject to this direction. Parties to bear their own costs.



Sd---

Member (J)

Sd-----

Member (A)

- True Copy -

bsg/Mrv.

B. V. Venkatesh
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE
31/7/85

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF ~~TRANSPORT (PAKWAHAN MANTRALAYA)~~
~~DEPARTMENT OF RAILWAYS (RAIL VIBHAG)~~
(RAILWAY BOARD)

No.E(G) 87 -LL3-/6/(31)

New Delhi, dated 6.8.87 -198

To,

The Registrar, Central Administrative Tribunal,
Bangalore Bench, Commercial Complex (BDA)
Indira Nagar, Bangalore-560 038.....

Don 24/7/87

Sub: WPN No. 9315/84 Appln No. 1308/86 (T)
Puttarangaswamy - Vs - The Secy. M/o. Rlys and 2 ors.

Sir,

I am directed to refer to your summons/orders dated 24.7.87.....
on the subject mentioned above and to state that the General Manager S.
Railway is the competent authority to deal with this matter. The summons/
orders in question have, therefore, been sent to that authority for further
necessary action.

Yours faithfully,

DA: Nil.

Secd. by post to Registrar
R 14/8
K. B.
for Secretary, Railway Board.

No. E(G) 87 -LL3-/6/(31)

New Delhi, dated 6.8.87 198

Copy together with the summons/orders received from the Tribunal/
Court are forwarded in original to the General Manager Southern

Railway for further necessary action.

The next date of hearing is

DA/As above.

D. 2
Desk Officer, Establishment
Railway Board