

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
.....

Commercial Complex(BDA),  
Indiranagar,  
Bangalore- 560 038.

Dated: **18 FEB 1988**

APPLICATION NO 812 /87 (F)

W.P.No. \_\_\_\_\_

APPLICANT

Vs

RESPONDENTS

**Shri Mocherla Devadanam**  
To

**The Chief Workshop Manager, S.C. Railway  
Hubli & 2 Ors**

1. **Shri Mocherla Devadanam**  
House No. 126  
Moulali Block  
Hubli - 580 020  
Dharwad District

5. **The Assistant Chemist & Metallurgist**  
South Central Railway Workshops  
Hubli  
Dharwad District

2. **Shri R.U. Goulay**  
Advocate  
90/1, 2nd Block  
Near Ganesh Mandir  
Post Office Road  
Thyagarajanagar  
Bangalore - 560 028

6. **Shri M. Sreerangaiah**  
Railway Advocate  
3, SP Building, 10th Cross  
Cubbonpet Main Road  
Bangalore - 560 002

3. **The Chief Workshop Manager**  
South Central Railway Workshops  
Hubli - 580 020  
Dharwad District

4. **The Assistant Works Manager**  
South Central Railway Workshops  
Hubli - 580 020

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~xxx~~/

~~INTERIM ORDER~~ passed by this Tribunal in the above said application  
on 27-1-88.

Encl: as above.

*[Signature]*  
DEPUTY REGISTRAR  
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 27TH DAY OF JANUARY, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 812/87

Shri Mocherla Devadanam,  
s/o. Mocharla Solomon,  
Khalasi, T.No.5383,  
Yard Shop, S.C. Railway,  
Workshop, Hubli.

.... Applicant.

(Shri R.U. Goulay, Advocate)

v.

1. The Chief Workshop Manager,  
S.C. Railway Workshops,  
Hubli.
2. The Asst. Works Manager,  
S.C. Railway Workshops,  
Hubli.
3. The Assistant Chemist and  
Metallurgist, S.C. Railways,  
Workshop, Hubli.

.... Respondents.

(Shri M. Sreerangaiah, Advocate)

This application having come up for hearing to-day,  
Vice-Chairman made the following:

O R D E R

In this application made under Section 19 of the  
Administrative Tribunals Act, 1985, the applicant has  
challenged letter No.L/P.565/1/Khl.Rect/Vol.VI dated  
15.9.1987 (Annexure-D) of the Assistant Works Manager,  
South Central Railway, Workshops, Hubli ('AUM').

2. In response to Employment Notice No.L/P.565/1/  
Khl.Rectt/Vol.VI dated 22.8.1985 (Annexure-A) calling for  
applications to the posts of Khalasis classified as Class-IV

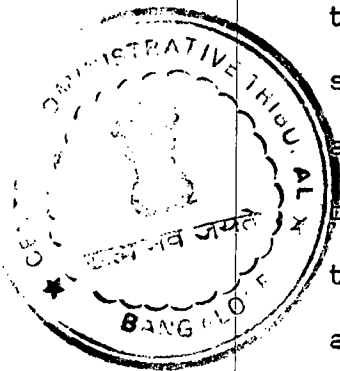


in Mechanical Department of Workshops, Hubli, the applicant, with the qualification of SSLC and Job-Oriented Course in Banking, applied for selection before the appointed date. On an examination of his claims, the competent authority by its order No.L/P.565/I/Khl.Rectt/Vol.VI dated 15.12.1986, selected the applicant to the advertised post (vide Sl.No.120 of the select list). On the basis of the said selection, the competent authority by his Letter No. L/P.565/I/Khl.Rectt/Vol.VI/ dated 16.12.1986 (Annexure-C) offered him an appointment which the applicant accepted and reported for duty on 12.2.1987 (Annexure-C1). But on 15.9.1987, the AWM had terminated the services of the applicant with the necessary notice of termination. Hence this application.

3. Among others, the applicant has urged that his termination, even assuming that the qualifications prescribed was other than the one notified in the employment advertisement then also the same had been kept in abeyance by the Railway Board. ('Board') on 4.9.1986 and that his termination in defiance of the same was wholly unjustified and illegal.

4. In their reply, the respondents have sought to justify the termination of the applicant.

5. Shri R.U. Goulay, learned counsel for the applicant, contends that even if there was a prescription of a higher qualification, on which aspect it was not now necessary to examine, that very prescription had been kept in abeyance by the Board and in that view, the termination of the applicant on the prescription of higher educational qualifications if any, was unjustified and illegal.

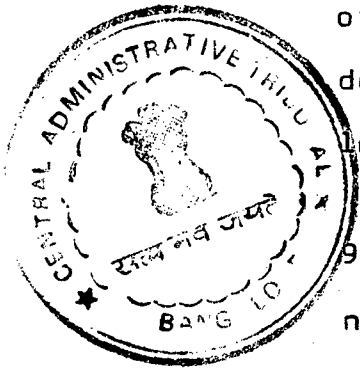


6. Shri M. Sreerangaiah, learned counsel for the respondents, sought to justify the termination of the applicant.

7. In the Notification calling for applications, the educational qualification specified was a Pass in VIII Standard, which the applicant undoubtedly possessed.

8. But, according to the respondents, that educational qualification had been revised and a higher educational qualification of ITI/Course Completed Act Apprentice had been prescribed and that since the applicant did not possess that qualification, his services had been rightly terminated. We will even assume this to be correct, But Board in its letter dated 4.9.1986 had kept that prescription in abeyance which was still in force. Shri Sreerangaiah does not dispute this position. The remarks, of the officer on a copy of that circular, cannot be depended upon to hold that the Boards circular was no longer in force.

9. When the Board had directed all its subordinates not to enforce the prescription of higher educational qualifications, the Railway administration was bound to give effect to the same and regulate the appointments and terminations in terms of that circular only. When we examine the case of the applicant for appointment and continuance in the light of the Board's circular, it is clear that his termination, was contrary to the same and is clearly unjustified. If that is so, then there is no



alternative for us except to quash the termination of the applicant, without examining all other questions, and leaving them open.

10. In the light of our above discussion, we allow this application, quash the termination order No.L/P.565/1/Kh1.Rectt/Vol.VI dated 15.9.1987 (Annexure-D). But this does not prevent the respondents from terminating the services of the applicant on any other ground, in accordance with law.

11. Application is allowed. But in the circumstances of the case, parties to bear their own costs.

Sd/-

Vice-Chairman

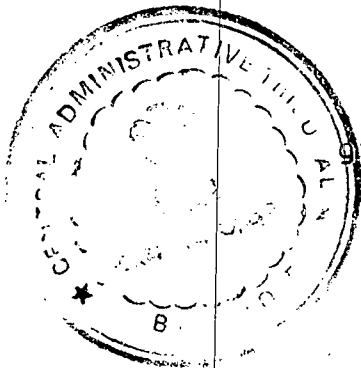
27/1/88

Sd/-

Member (A)

or/Mrv.

TRUE COPY



*[Signature]*  
DEPUTY REGISTRAR (JUL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE