

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

Stamp No. 119/91 (OA 210/91)

A.K. Malaviya,
Lab. Supdt (HD. Tech)/
JRH-BCT
Jagjivan Ram Railway Hospital,
Bombay - 400 008.

.. Applicant

vs.

1. Union of India
through
The General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.

2. Secretary,
Ministry of Railways,
Railway Board,
Rail Bhavan,
New Delhi - 110 001.

3. Chief Hospital Superintendent
Jagjivanram Hospital,
Western Railway,
Bombay Central,
Bombay - 400 008.

.. Respondents

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

Appearances:

1. Mr. M.S. Ramamurthy
Advocate for the
Applicant.

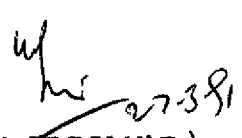
ORAL JUDGMENT: Date: 27-3-1991
(Per. U.C. Srivastava, Vice-Chairman)


This is an application for interim relief directing the respondents to restrain from discontinuing the services of the applicant. It appears that the applicant has got reasonable apprehension that the respondents will terminate his services.

2. Because of the offer given by the respondents he has been made to part with the lucrative service elsewhere and now when he joined the Railway service,

subject to the final sanction of the Railway Board, (u)
they are contemplating his termination. We do not
think that the Railway Board or any other authority
will go to the extent of terminating his services
without taking into consideration the totality of
the circumstances and the fact that he was already
employed elsewhere and he has joined the Railway
service after resigning from his previous job with
the Bombay Municipal Corporation. It appears that the
Railways were in need of a person specialised in a
particular discipline to carry out the duty which
the applicant is performing and as such the apprehension
of the applicant at this stage appears to be unfounded.

3. The application is rejected with this
observation.


(M.Y. PRIOLKAR)
Member(A)


(U.C. SRIVASTAVA)
Vice-Chairman

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

* * * * *

R.P.No.29/91 in
O.A. No.210/91

A.K.Malaviya,
Lab. Supdt (HD. Tech) JRH-BCT,
Jagjivan Ram Railway Hospital,
Bombay 400 008.

... Applicant

V/s

Union of India & Ors.

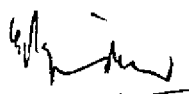
... Respondents


Tribunal's Order

Dated : 24.9.1991

(Per. U.C.Srivastava, Vice-Chairman)

This Review Petition is against our judgement and order dated 27.3.1991. At the admission stage a prayer was made for interim relief and while considering the prayer for interim relief we rejected the application itself and the applicant has interpreted it as if we have rejected the application for interim relief. In the original application the applicant apprehended that his services shall be terminated and filed the said application. While rejecting the application we held that the respondents are not expected to terminate the services of the applicant without taking into consideration the totality of the circumstances and the fact that he was employed elsewhere before he joined the Railway Service. The respondents have terminated the services of the applicant. Undoubtedly they have done so but it is a fresh cause of action and as such the applicant has got a right to challenge the termination order making reference to the earlier application and the order passed by us. Merely because of subsequent development the order cannot be recalled as a fresh cause of action has accrued to the applicant. With the above observations the review application is rejected.


(M.Y.Priolkar)
Member (A)


(U.C.Srivastava)
Vice-Chairman