

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

(9)

O.A. No. 329/91
 T.A.-No.

198

DATE OF DECISION 3-10-1991

Harishankar Singh Petitioner

Mr.M.S.Ramamurthy Advocate for the Petitioner(s)

Versus

Union of India Respondent

Mr.A.L.Kasturey Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.Y.Priolkar, Member(A)

The Hon'ble Mr. T.C.Reddy, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *L*
2. To be referred to the Reporter or not? *J*
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

M.Y. Priolkar
 (M.Y. PRIOLKAR)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

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O.A.329/91

Harishankar Singh,
Usmangani Chawl,
R.No.2, Santacruz(West),
Siddarth Nagar, Vakola Pipeline,
Bombay - 400 055.

.. Applicant

vs.

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

2. Senior Divisional Commercial
Superintendent,
Western Railway,
Bombay Central,
Bombay - 400 008.

3. Divisional Commercial Superintendent,
Western Railway,
Bombay Central,
Bombay - 400 008.

.. Respondents

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

Hon'ble Shri T.C.Reddy, Member(J)

Appearances:

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

2. Mr.A.L.Kasturey
Advocate for the
Respondents.

ORAL JUDGMENT:
(Per M.Y.Priolkar, Member(A))

Date: 3-10-1991

The applicant was initially appointed as a Mobile ~~Fixxxx~~ Booking Clerk at ~~xxx~~ Andheri on or about 24-9-1982. The applicant along with 65 others had earlier filed an application(O.A.329/88) in this Tribunal seeking interalia a direction for regularisation of their service in the regular scale of pay of Assistant Coaching Clerk after screening, if necessary. By our order dtd. 6-9-1988 we had directed that the benefit of absorption against regular posts should be extended to the applicants who would have completed three years of service before

8-4-1988. It appears that in pursuance of our judgment a circular dtd. 22-11-1988 was issued by the concerned respondent for screening of the eligible employees by a Committee of officers. The applicant was one of ~~the~~ such eligible employees who were asked for such screening. But the applicant could not appear on the specified date for screening as he was ill and had reported sick during the relevant period for about a fortnight. Subsequently on 22-3-1989 the applicant requested to be called for screening. On 17-10-1989 the Chief Booking Supervisor addressed a letter to the Divisional Railway Manager, Western Railway, Bombay Central informing him that the applicant had been working at Andheri Station for about 7 years with satisfactory service and recommended ~~him~~ that he should be screened afresh as he was in the sick list during the period of earlier screening. The applicant also continued making further representations. But on 26-2-1991 Station Superintendent, Andheri was ^{sent a letter} ~~informed~~ by the Divisional Railway Manager (Commercial) in which the Station Superintendent was asked to explain on whose authority the applicant was taken ~~on~~ duty when he resumed duty after sickness. In reply to this communication it has been explained by the Chief Booking Supervisor, Western Railway, Andheri that the applicant was taken back on tele^{phonic} message from the Bombay Central office because of the shortage of staff for ^{manning} ~~mending~~ the counters. Eventually by letter dtd. 20-3-1991 the Station Superintendent, Andheri has been advised to discontinue immediately the services of the applicant as Mobile Booking Clerk.

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2. The grievance of the applicant is that not only he has been not screened and absorbed but further his service ~~has~~ also been arbitrarily discontinued on 20-3-1991 which is contrary to our judgment dt.6.9.1988 in which a direction was given for absorption of the applicant and other similarly placed employees after screening if necessary.

3. Although this application had come up for admission hearing on 12-6-1991 Mr.A.L. Kasturey, learned counsel for the respondents, requested time to file their reply regarding admission and interim relief and the case was adjourned to 1-8-1991. On that day also the case was adjourned to today i.e. 3-10-1991. Even today Mr.Kasturey did not file any reply and ~~that~~ merely made a statement that the case of the applicant is still under consideration of the respondent.

4. Since ~~the~~ a clear direction was given in our earlier judgment for absorption after screening, if necessary, of the applicants, the applicant has still not been screened for which no explanation is forthcoming from the respondents. We direct the respondents to ensure that the applicant is screened before 15th November,1991 and a final decision taken regarding his absorption or otherwise before that date. We accordingly set aside the order dtd. 20-3-1991 of the Divisional Commercial Supdt. at page 40 of the application discontinuing the service of the applicant. With this direction this application is disposed of finally with no order as to costs.

T.C. Reddy
(T.C.REDDY)
Member(J)

M.Y. Priolkar
(M.Y.PRIOLKAR)
Member(A)