

(3)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

O.A. No. 120/91

198

LA. No.

DATE OF DECISION 9-9-1991

Smt. Meenaxi Naghuran

Petitioner

Mr. D.V. Gangal

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Mr. J.G. Sawant

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? *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*

MGIPRRND-12 CAT/86-3-12-86-15,000

(M.Y. PRIOLKAR)

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.120/91

Smt.Meenaxi Naghuran,
Khalasi(Reja)
C/o. P.W.I.
Central Railway,
Panvel
Dist.Raigad.

.. Applicant

vs.

1. Union of India
through
Chief Engineer(South),
Construction,
Central Railway,
Bombay V.T.
2. Deputy Chief Executive Engineer
(Construction),
Central Railway,
Panvel.
3. The then PWI Construction,
Central Railway,
Panvel.

.. Respondents

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

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

Appearances:

1. Mr.D.V.Gangal
Advocate for the
Applicant.
2. Mr.J.G.Sawant
Counsel for the
Respondents.

ORAL JUDGMENT:

Date: 9-9-1991

(Per M.Y.Priolkar, Member(A))

The applicant in this was appointed as casual labourer Khalasi(Reja) with effect from 20-1-1982. It is not in dispute that she had worked continuously for more than 365 days. However, according to the respondents she did not turn up for work from 26th May,1983. Although she has not produced any material to establish her allegation that her services were terminated, she claims that she had addressed a number of representations to the respondents against such

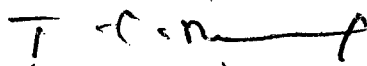
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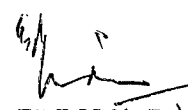
such termination although the respondents have denied that any such representation was received by them.

2. It is not in dispute that having continuously worked for more than 360 days the applicant had attained temporary status. It is also not in dispute that such casual workers who attain temporary status are covered by the Railway Servants Discipline and Appeal Rules and their services cannot be terminated except in accordance with such rules i.e. after holding a regular departmental enquiry as contemplated in those rules. Admittedly no such inquiry has been conducted in this case.

3. We have no hesitation in holding therefore, that even if after a long period of absence the applicant had reported back for work, she should have been permitted by the respondents to join duty and it was open for the respondents to proceed against her departmentally if they so wished, regarding this misconduct, of long unauthorised absence committed by her. The learned counsel for the applicant, however, stated that the applicant will be satisfied if she is considered for fresh appointment in the same capacity.

4. Therefore, after hearing both sides, we are disposing of this application finally on the facts and circumstances of this case, with the direction that the respondents may consider the applicant for fresh appointment in the same capacity as Reja in the next available vacancy after relaxing in her favour the prescribed age limit for this post.


(T.C. REDDY)
Member(J)


(M.Y. PRIOLKAR)
Member(A)

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Per Tribunal
Applicant in person / by *D. Gangal*
Advocate / Respondent by *J. G. Sawant*
Counsil. *for order*
The matter adjourned to *9/8/93*
for *order*

Date: *2/9/93*

Dy. Registrar

Per Tribunal

Applicant in person / by *Mr. Gangal*
Advocate / Respondent by *Mr. J. G. Sawant*
Counsil. *by counsel*
The matter adjourned to *9/8/93*
for *order*

Date: *9/8/93*

Dy. Registrar

OA 120/91

Dated: 6.9.93

Shri D.V.Gangal, counsel for the applicant. Shri J.G. Sawant, counsel for the respondents.

Shri Gangal states that the order has since been implemented therefore the contempt petition does not survive and it is disposed of as such.

JS
(Lakshmi Swaminathan)
Member (J)

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

NS

order/Judgment despatched
to Applicant/Respondent (s)
on *9/8/93*

8/25/93