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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

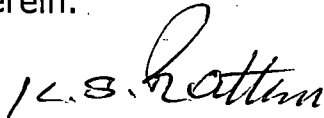
ORDERS OF THE BENCH

Date of Order: 17.07.2012

OA No. 542/2011

Mr. Nand Kishore, counsel for applicant.
Mr. Anupam Agarwal, counsel for respondents.

Heard learned counsel for the parties. O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.


(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

Kumawat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 17th day of July, 2012

Original Application No.542/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Kishan Lal Meena
s/o Shri Ramji Lal Meena
working as Bungalow Khalasi,
under Chief Medical Superintendent,
North Western Railway, Jaipur
r/o Village Chhareda,
Tehsil and District Dausa.

.. Applicant

(By Advocate: Shri Nand Kishore)

Versus

1. Union of India
through General Manager,
North Western Railway,
Jawahar Circle,
Jagatpura, Jaipur
2. Divisional Railway Manager,
North Western Railway,
Power House Road,
Jaipur
3. Dr. Ramnath Meena,
Chief Medical Superintendent,
North Western Railway,
Railway Hospital,
Hasanpura Road,
Jaipur

.. Respondents

(By Advocate: Shri Anupam Aagarwal)

ORDER (ORAL)

By way of the present OA, the applicant has challenged the termination order dated 17.6.2011 (Ann.A/1) by which services of the applicant were terminated after giving one month's salary in lieu of one month's notice.

2. Brief facts of the case are that after approval of the General Manager, D.R.M. Bikaner offered appointment to the applicant for the post of Bungalow Khalasi in the pay scale Rs. 5200-20200 vide letter dated 3.5.2010. According to the appointment letter Ann.A/5, the recruitment was purely adhoc as substitute Bungalow Khalasi for a period three years with the condition that the said period will be extended only on giving satisfactory three monthly report by the concerned officer and in case of dereliction of duty, absence/ misbehaviour or found ineligible, the services of the applicant were liable to be terminated without giving any notice.

3. As per report submitted by the concerned officer, the applicant remained absent from duty from 21.4.2011 to 30.4.2011 for a period of 10 days. Thereafter he remained absent from 1.5.2011 to 31.5.2011. Besides this fact, the applicant also written a letter to the D.R.M. showing inability to discharge his duty for medical reasons and considering the fact that his services were not found satisfactory, the impugned order Ann.A/1 has been passed. It is further stated that the order impugned dated 17.6.2011 was delivered to the applicant, but he refused to receive the same. Thereafter the respondents have no option except to publish a

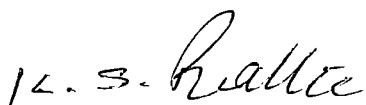


notice in the daily newspaper vide Ann.R/4 wherein it is clearly indicated that the applicant remained willfully absent from 21.4.2011 and vide letter dated 1.5.2011 he has shown inability to discharge his duty and instead of one month's notice, one month's salary has been offered to the applicant with the stipulation that the same can be collected from the Divisional Chief Cashier.

4. I am not impressed with the submissions made on behalf of the applicant that the letter dated 1.5.2011 written by the applicant was under duress or influence. It is not disputed that the applicant remained absent willfully and his services were not found satisfactory in view of the terms and conditions indicated in the appointment letter Ann.A/5 and after giving one month's salary, services of the applicant has rightly been dispensed with.

5. In view of the observations made hereinabove, I find no merit in this OA as while passing the impugned order dated 17.6.2012, the respondents have not committed any illegality and therefore, the order impugned requires no interference by this Tribunal.

6. Consequently, the OA fails being devoid of merit and the same is accordingly dismissed with no order as to costs.


(JUSTICE K.S.RATHORE)
Judl. Member

R/