

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

24.01.2014

OA No. 514/2013

Mr. S. Shrivastava, Counsel for applicant.

Mr. Indresh Sharma, Counsel for respondents.

Heard learned counsel for the parties. The OA is disposed of by a separate order.



(G. George Paracken)
Judicial Member

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 514/2013

Jaipur, the 24th day of January, 2014

CORAM:

HON'BLE MR. G. GEORGE PARACKEN, JUDICIAL MEMBER

Ganesh Dadhich son of Shri Om Prakash Dadhich aged about 28 years, resident of Plot No. 741/1 Behind Shiv Mandir, Moti Vihar, Pushkar Road, Ajmer. Presently working as Bungalow Khallasi in Ajmer Division of NWR at Ajmer.

... Applicant

(By Advocate: Mr. S. Shrivastava)

Versus

1. Union of India through General Manager, NWR HQ Office, Jagatpura, Jaipur.
2. Divisional Railway Manager (P), Ajmer Division of NWR, DRM Office, Ajmer.

... Respondents

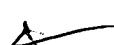
(By Advocate: Mr. Indresh Sharma)

ORDER

PER HON'BLE MR. G. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by the impugned order dated 10.06.2013 (Annexure A/1) terminating his service with month's pay.

2. The facts of the case are that the applicant was appointed as Bungalow Peon/Bungalow Khallasi vide respondents' letter dated 07.06.2012 (Annexure A/3). He joined the service on 11.06.2012 and thereafter he was granted temporary status on 09.10.2012 vide respondents' letter dated 18.10.2012 (Annexure A/5). Since then the applicant has been working with the respondents till the aforesaid impugned order dated 10.06.2013 has been passed.



According to the learned counsel for the applicant, after the applicant has attained temporary status, the respondents could not have passed the aforesaid termination order simplicitor. He also submitted that admittedly the applicant has joined as a Bungalow Peon/Bungalow Khallasi on 11.06.2012 and thus he has completed one year's of service on 10.06.2013.

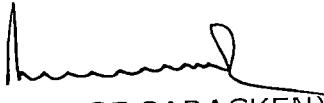
2. According to the learned counsel for the respondents, the applicant's services was terminated in terms of Para 12 (ii) of the letter dated 21.04.2011 issued by General Manager Office, North Western Railway, Jaipur (Annexure A/2). According to the said provision, if a Bungalow Peon/ Bungalow Khallasi has not completed one year of service, his services can be terminated after giving him one month's pay and gratuity as per rules. He has also submitted that the applicant's services were terminated because the officer to whom he was attached had retired on 31.05.2013 and his services were not accepted by the other officers.

3. I have heard the learned counsel for the applicant, Mr. S. Shrivatava, and the learned counsel for the respondents, Mr. Indresh Sharma. Undoubtedly, the applicant has served as Bungalow Peon/Bungalow Khallasi during the period from 11.06.2012 to 10.06.2013. He has, therefore, completed one year as on 10.06.2013. Moreover, the applicant has also been granted temporary status. The very purpose of granting temporary status is to consider him for regular appointment at a later stage. Therefore, the impugned order is absolutely arbitrary and illegal. Just because the respondents have power to terminate Bungalow Peon/Khallasi



within a period of one year from the date of his appointment, the said power cannot be used arbitrarily. There should be some justifiable reason for the termination. If the officer to whom the applicant was attached has already retired, he can be attached to some other officers. The learned counsel for the applicant has invited my attention to the letter of the Senior Mechanical Engineer dated 06.06.2013 (Annexure A/7), stating that the applicant can be sent to him. Even otherwise, the services can be utilized elsewhere. A temporary status employee cannot be simply terminated in such an arbitrary manner. I, therefore, quash and set aside the impugned letter of the respondents dated 10.06.2013 (Annexure A/1). Consequently, I direct the respondents to reinstate the applicant in service forthwith with all consequential benefits including of future increments except the full back wages. His service shall also be treated continuous from the date of his appointment ignoring the aforesaid impugned order. As far as the back wage is concerned, the applicant being a low paid employee shall be paid 50% of his basic pay last drawn with full allowances for the entire period he was kept out of service in terms of the aforesaid impugned order. The respondents shall also pass appropriate order in compliance of the aforesaid direction without any delay.

4. There shall be no order as to costs.



(G. GEORGE PARACKEN)
JUDICIAL MEMBER