

(21)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.231/98

New Delhi: Dated this the 24th day of December, 1998

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN(A).

Amer Lal,
S/o Late Sh.Kishori Lal,
R/o Vill.Bannoli,
P.O.Dhol Siras,
New Delhi - 045 Applicant.
(By Advocate: Shri A.K.Behra)
Versus

Union of India,
through
the Secretary,
Ministry of Law, Justice and
Company Affairs,
Department of Legal Affairs,
Shastri Bhawan,
New Delhi Respondents.
(By Advocate: Shri R.V.Sinha)

ORDER

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN(A).

Applicant seeks a direction to respondents to allow him to join duty as a daily wages Casual labourer, with all consequential benefits, including arrears of pay and allowances and regularisation.

2. Admittedly applicant was engaged as a Casual Labourer in respondent department on 5.6.91 and was also granted temporary status w.e.f. 1.9.93 vide order dated 12.7.95 (Annexure-R II). Respondents contend that applicant absented himself from duty without intimation from 1.4.95 to 30.4.95 and similarly in May, 1995 he was absent from duty on 4th, 12th to 22nd and 30th May, 1995 without intimation.. In June, 1995 he remained absent without intimation from 9th to 14th June, and from 20th June till 18th July, 1995. An application for leave from 20.6.95 to 5.7.95 was received on 7.7.95,

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but applicant himself did not report for duty till 18.1.95 upon which his services were terminated in terms of para 7 of O.M. dated 10.9.93 (Annexure-R1) with one month notice vide notice dated 18.7.95 (Annexure-R111) which was served through a special messenger, one Ram Kumar.

3. Applicant seeks to explain his absences from duty on the plea that he had to look after his ailing father and sister, and states that the latter unfortunately passed away in October, 1995. He further states that the resulting tensions caused his own illness and eventually when he reported for duty on 17.7.96 he was not allowed to join till he produced a fitness certificate, but despite his producing the same he was not allowed to join. He also denies receipt of the notice dated 18.7.95.

4. I have heard both sides.

5. Applicant's services have been terminated with one month's notice by a valid order dated 18.7.95 and he cannot successfully take the plea that he should be allowed to join duty on the ground that he did not receive the aforesaid notice. Furthermore as per applicant's own averments he was refused permission to rejoin duty in December, 1996, but he has filed this OA in January, 1998, that is with considerable delay.

6. This OA is disposed of with the direction that subject to availability of work when respondents are considering engaging casual labourers, they

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should consider applicant's case in preference to juniors and those with overall length of past services, without compelling him to be sponsored again through the Employment Exchange.

7. The O4 is disposed of in terms of para 6 above. No costs.

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(S. R. ADIGE)
VICE CHAIRMAN (A).

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