

Before Central Admn. Tribunal

For 25-6-86
G. P. Bvc. (J) 293 75000 9-83.

Spl. H. C. C. D., 46E.

18

District: Rajkot.

Stamp No.

Advocate Mr. B. B. Gogia.

Office Note, if any,

Prays for int. relief.

APPEAL

CIVIL No. 221 of 1986
APPLICATION

(Under _____ Act)
(Art. _____) of the

Constitution of India)

To be admitted to the File.

This day of 198

Assistant Registrar

Court's Order

I would like to hear the respondents before conceding the question of interim relief. The applicant should issue notice to the respondents returnable on 16-7-86 to show cause as to why the interim relief as prayed for should not be granted. Alongwith the notice the applicant should send a copy of this order. It is not necessary to serve the copy of the main application, as I am told that the copy sent copy has been already served.

B. B. Gogia
(B. B. Gogia J.)
V-C.

25/6/86

CORAM : Hon'ble Mr.P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Member

21.7.86

Neither applicant nor his counsel is present. It seems that directions to issue notices were passed but there is nothing on record to show whether the notices are served upon the respondents. The Notices is therefore to be issued to the respondents for filing reply returnable on 25th September, 1986.

Joshi
(P.M. Joshi)
Member

Phew
(P.H. Trivedi)
Vice Chairman

CB-601

2
O.A. No. 123/86

CORAM : (1) Hon'ble Mr. P.H. Trivedi (Vice Chairman)

(2) Hon'ble Mr. P.M. Joshi (Member)

29-7-86

In view of the joint pursis passed by the learned
counsel for the parties the case is adjourned to 29/9/86.

(P.M. JOSHI)

J.M.

(P.H. TRIVEDI)

V.C.

O.A./123/86

(3)

CORAM : HON'BLE MR. P.H. TRIVEDI .. VICE CHAIRMAN
HON'BLE MR. P. M. JOSHI .. JUDICIAL MEMBER

29.9.'86

Learned advocate for the respondent files his reply
with notice to the applicant. The case is adjourned
to 13th October, '86 for hearing.


(P.H. TRIVEDI)
V.C.


(P.M. JOSHI)
J.M.

30/9 pm;

CORAM : Hon'ble Mr. P.H.Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi . Judicial Member

13/10/86

Heard the learned advocate for the applicant Mr. Gogia and Mr. Udani learned advocate for the respondent. After completion of the applicant's sick leave on 1/10/84 the Railway Authority asked him to appear before the Railway medical authorities at Jamnagar and obtain a certificate. The applicant's contention is that he reported with a medical certificate and resumed at Hadmatiya, while respondent's contention is that he was asked to obtain certificate from Railway doctor of Jamnagar and report on 21st September 1984 and the applicant has not reported on the date or thereafter. The applicant has made several representations according to him and also moved the Labour Court for redressal.

After hearing both the advocates and considering the circumstances of the case, it is ordered that there is sufficient justification to direct the respondent immediately to take the applicant into service as casual labourer and that he should not be shunted from place to place. The respondent will accordingly take him in service at Hadmatiya. So far as the applicant's claims in the past are concerned, both the parties are free to continue to take up matter in the Labour Court in which they are pending. We do not propose to pass ~~any~~ order or to make any ~~submission~~ observations on the merits of the case of either party in this order. The direction in this order asking the respondent to take the applicant in service at Hadmatiya as stated above, is also not to affect the merit of the case. With these orders the case is disposed with no order as to costs.

Pravin
(P.H. Trivedi)
Vice Chairman
AM/
(P.M. Joshi)
Judicial Member.