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Shri Udaykumar Ishwarlal Koyani,  
C/o. Ishwarlal Hansraj Koyani,  
Shukleshwar Mandir (Near),  
DHORAJI.....

..... Petitioner

(Adv. : Mr. B. B. Gogia)

Versus

1. The Union of India,  
Through : Its Secretary,  
Ministry of Communications,  
(P&T Department),  
Government of India,  
New Delhi.

2. The Sub-Divisional Officer,  
Telegraphs,  
Dhoraji - 360 410.....

..... Respondents

(Adv. : Mr. J. D. Ajmera)

O R A L   O R D E R

OA/390/86.

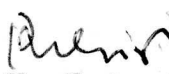
Date : 21-07-1989.

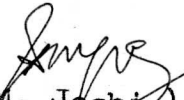
Per : Hon'ble Mr. P. H. Trivedi : Vice Chairman

This application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 and has stated that he was terminated from service by oral order dated 31-10-1985 and these orders were illegal as he had put in 566 days and was entitled to the benefits of temporary worker as he was engaged on 12-4-1983. The petitioner admits that he sought alternative employment but, that was only for a period of 45 days for want of any alternative means of subsistence. The respondents' reply shows that the petitioner left of his own accord and, therefore, there was no order of termination, and that the petitioner's claim regarding regularisation and seniority can be settled only on his production of muster roll card which has been produced on the record. In the circumstances of this case, therefore, it is appropriate to give the following direction.

As there is no order of termination the petitioner has a claim to be taken back in service. If the petitioner offers himself within a period of 15 days from the date of this order, it is directed that the respondents take him back in service. The petitioner's claim for regularisation and for seniority be ~~xxxx~~ determined on the basis of the record of this case and such other record that the petitioner may furnish. <sup>A</sup>As the termination of the service has not been proved by any order on the part of the respondents and as the petitioner has obtained alternative employment albeit for a short period, it is not considered fit in the circumstances of this case to direct any payment of back-wages.

With the above directions and observations the petition is found to have merit to the extent stated above and the case is disposed of accordingly. No order as to costs.

  
( P. H. Trivedi )  
Vice Chairman

  
( P. M. Joshi )  
Judicial Member

Shah/-