

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 410 of 1986 ~~198~~

DATE OF DECISION 23/06/1987

Vallabh Narbheram

Petitioner

L D Parmar

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

J D Ajmera

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P SRINIVASAN : ADMINISTRATIVE MEMBER

The Hon'ble Mr. P M JOSHI : JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ? *No*
2. To be referred to the Reporter or not ? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal. *No*

JUDGMENT

(7)

OA/410/86

23/06/1987

Per : Hon8ble Mr P Srinivasan : Administrative Member.
(Dictated in Open Court)

filed

This is an application under Section 19 of the Administrative Tribunals Act, 1985. The applicant joined service in the Archaeological Survey of India at Junagadh in March 1983 as a Chowkidar on daily wages. It is stated that no written appointment order was given to him nor was any identity card issued to him. According to the applicant, he was orally told on 6/5/1986 that he would no longer be in service. According to the respondents, the applicants service had not been terminated by them but the applicant himself had stopped coming to office from 6/5/1987. The applicant's prayer in this application is that the respondent be directed to restore him to the position of Daily wage chowkidar at Junagadh and to declare the oral order removing him from service w.e.f. 6/5/1986 as illegal.

Shri L D Parmar, learned counsel for the applicant contends that the applicant was removed from service without justification though he had put in more than three years of service by May 1986. He pleaded that the respondents should be directed to take him back in service and to give him credit for all his past services.

Shri J D Ajmera for P N Ajmera reiterated what has been said in the reply of the respondents viz. that the respondents had ^{not} removed the applicant from the service and it was he who had left the service. Having done so he can have no claim now to be re appointed. He therefore pleaded that the application

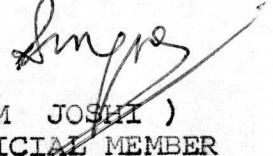
P. Srinivasan

be dismissed.

After hearing counsel on both sides, the factual position that merges is somewhat like this ; There seems to have been some mis-understanding between the respondent and the applicant, the net result of which was that the applicant found himself out of service. The respondents have very clearly asserted that they did not remove the applicant from service. This shows that the respondents have really nothing against the applicant. It must also be borne in mind that the applicant was working as Daily Wager from 1983. From the documents filed before us we notice that the applicant is only twenty one years of age now. In view of all this we would direct the respondents to take the applicant back as a Daily Chowkidar in the next available vacancy in their department, preferably at Junagadh, as expeditiously as possible but, in any case not beyond two months from today. The applicant will however not be entitled to any back wages till the date of his reinstatement.

The application is disposed of with the directions given above. Parties to bear the cost.


(P SRINIVASAN)
ADMINISTRATIVE MEMBER


(P M JOSHI)
JUDICIAL MEMBER