

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~XXXXXX~~

O.A. No. 253
~~Ex-Ax-Nox~~

1987

DATE OF DECISION 18-10-1989

SHRI DIPAK HASMUKHLAL JOSHI Petitioner

SHRI Y.V. SHAH Advocate for the Petitioner(s)

Versus

UNION OF INDIA & OTHERS Respondent

SHRI N.S. SHEVDE Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. TRIVEDI : VICE CHAIRMAN

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

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
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*

Shri Dipak Hasmukhlal Joshi
Mate (Casual Labour)
I.O.W.T of N.K.M. Project,
Western Railway,
Nadiad.

: Petitioner

Versus

1. Union of India
Through: The General Manager,
Western Railway, Churchgate,
Bombay.

2. Chief Engineer,
Western Railway,
Second Floor,
Station Building,
Ahmedabad.

3. Mr.N.T.Rana or his
Successor in the office
of Executive Engineer (C)
Western Railway,
Railway pura, Ahmedabad.

: Respondents

Coram : Hon'ble Mr. P.H. Trivedi

: Vice Chairman

Hon'ble Mr. P.M. Joshi

: Judicial Member

O R A L O R D E R

OA/253/87

18/10/1989

Per: Hon'ble Mr. P.M. Joshi

: Judicial Member

In this application, the petitioner Shri Dipak Hasmukhlal Joshi has paryed that the respondents be directed to reinstate him in service with all consequential benefits in accordance with the scheme framed by the Railway Administration. According to him, he was engaged as casual labour, in the year 1973 and worked upto 30.11.78. It is alleged that his services were terminated by oral order dated 30.11.1978. It is alleged that his claim for being considered in respect of the benefits laid down under the scheme framed by the Railway Administration, has not been duly considered. The respondents have opposed the application and denied the assertions made by the petitioner. In this regard, while relying on the written statement filed by them, in MA/204/87 it is contended that the petitioner is not entitled to the relief as prayed for as he had left the work of his own accord.

2. At the time of admission of this application which we restored to-day, we have heard Mr.Y.V.Shah and Mr.N.S.Shevde learned counsel for the petitioner and the respondents respectively.

3. It is true, the petitioner has stated in the application that he had made a claim for availing the benefits of the scheme on 26.2.1987 but no copy thereof has been produced by him. During the course of his arguments, Mr.Shah, brought to our notice that in fact the petitioner had made such a claim and he has also obtained an acknowledgment thereof. We find that such claim, if filed by the petitioner in time, it ought to have been decided by the competent authority.

4. In view of the decision of the Supreme Court in the case of Dakshin Railway Employees Union Trivandrum Division, vs. General Manager, Southern Railway and Others (AIR 1987 S.C. 1153), we admit this application and at the same time disposed of the same by passing the following direction: -

5. The application is partly allowed. We hereby direct the respondent No.3 i.e. Executive Engineer (C), Western Railway, Ahmedabad to decide the claim filed by the petitioner vide his letter dated 26.2.1987, as expeditiously as possible. The petitioner is directed to send a supplementary representation along with the copy of the claim which he has filed vide his letter dated 26.2.1987 to the Respondent No.3 and its acknowledgement. We have no doubt, the Respondent No.3 while considering the claim of the petitioner, he will also consider the plea of the respondents that the petitioner had voluntarily left the services and he shall examine the service record and ~~after examining the~~ advert to the provisions of the scheme framed by the Railway Administration and decide the petitioner's claim by a speaking order and shall communicate the same to the petitioner.

MA/72/88 &
MA/204/87
in
OA/253/87

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

3/2/1988

Heard learned advocates ~~for~~ Mr.Y.V.Shah and Mr.N.S.Shevde for the applicant and the respondent. Registry may fix a date as early as possible. With this MA/72/88 & MA/204/87 ^{stand} disposed of


(P.H. Trivedi)
Vice Chairman


(P.M. Joshi)
Judicial Member

a.a.bhatt