

C.A./3/87

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Pushpanandan Sabari Muttu9

.. Applicant

Versus

Union of India & Anr.

.. Respondents

CORAM : Hon'ble Mr. G.S. Nair .. Vice Chairman

Hon'ble Mr. M.M. Singh .. Administrative
Member

Counsel for Applicant ; Mr. V.H. Desai

Counsel for Respondents: Mr. R.M. Vin

ORDER

Date : 21.3.1990

Per : Hon'ble Mr. G.S. Nair .. Vice Chairman

The applicant who was a casual labour^{ed} under the respondents, alleges that he has worked continuously from 1979 till 17.7.1986 on which date his services ^{were} terminated without sufficient cause. He prays for setting aside the termination and for a direction to the respondents to permit him to discharge ^a the duty as casual labour.

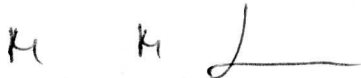
2. In the reply filed by the respondents, it is admitted that the applicant was engaged as a casual labour from 17.2.1983 and that he was granted temporary status. However, it is pointed out that the applicant was directed to the Divisional Medical Officer, Borivli for the requisite medical test, when the applicant was declared unfit for B/²~~one~~ category. It is further stated that thereupon the applicant himself applied for 14 days leave on average pay, the balance leave ^{to him} is credited, which was sanctioned, and on the expiry of the leave, the

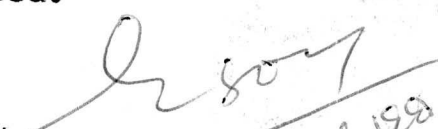
applicant did not turn up at all. The respondents also have ^{also} stated that since the applicant is only a casual labour, the question of alternative employment does not arise.

3. From the facts narrated above which are not in controversy, it ~~will be~~ followed that it is not exactly a case of termination of the ^{service of the} applicant, but the applicant not turning up for duty consequent upon the declaration of his medical unfitness for being engaged. It is to be noted that thereafter the available leave to his credit was availed by the applicant and subsequently he did not turn up at all.

In the circumstances, there is no merits in the application.

It is accordingly dismissed.


(M M Singh)
Administrative Member


(G S Nair)
Vice Chairman

*Mogera