

MA/557/87 in StNo: 563/87, OA/340/87, OA/345/87, OA/352/87, OA/386/87, OA/391/87, OA/488/87, OA/527/87, OA/537/87, OA/590/87, OA/629/87, OA/ 24/87, OA/148/87, OA/267/87, MA/332/87 in OA/266/87, OA/278/87, OA/324/87, OA/327/87, OA/332/87, OA/336/87, OA/339/87, OA/13/88, OA/ 18/88, OA/ 19/88, OA/253/87, TA/485/86, TA/426/86, TA/623/86, TA/621/86, TA/1316/86, TA/1340/86, TA/1353/86, TA/1376/86, OA/219/86, OA/234/86, OA/277/86, OA/312/86, OA/435/86, OA/123/87, OA/149/87, OA/152/87, OA/204/87, OA/205/87, MA/124/88 with OA/223/87, OA/225/87, OA/248/87, OA/333/87, OA/334/87, OA/358/87, OA/469/87, OA/508/87, OA/10/88, MA/380/87 with OA/257/87, MA/401/87 with OA/147/87, MA/410/87 with OA/159/87, MA/411/87 with OA/331/87, MA/412/87 with OA/330/87, MA/413/87 with OA/299/87, OA/541/87, OA/363/86, TA/1379/86, OA/274/87, OA/346/87, OA/34/86, OA/478/87, OA/335/87, OA/451/86, OA/22/87, OA/23/87, OA/180/87, OA/622/87, OA/4/88, OA/13/87, OA/437/86, OA/1336/86, TA/1347/86, TA/1381/86, OA/644/87, OA/645/87, OA/ 1 /88, OA/14/88, MA/83/88 in OA/522/87, OA/5/88, TA/1346/87, OA/646/87, OA/311/86, OA/139/87, OA/289/87, OA/294/87, TA/608/86, TA/1338/86, TA/1366/86.

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

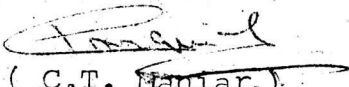
16-2-1988.

The 92 cases filed by different persons against Union of India and Railway Administration are on Board today. They are fixed for hearing with the consent of the advocates representing the parties. The parties' advocates are present and heard Mr. R.M. Vin, Mr. B.R. Kyada and Mr. N.S. Shevde learned advocates for the respondent who represent for all the cases are present. They viz. Mr. Vin, Mr. Kyada and Mr. Shevde state that all the matters cannot be heard together in as they do not involve common questions of law and facts and that each matters has got distinct facts and, therefore, it is required to be argued separately. The learned advocates representing the applicants said that they involve common question of law and facts and all the matters are almost similar and they should be heard together. They further state that the applicants are poor labourers placed in strvation and in these days of draught the matters may be heard expeditiously.

/Contd.....2/

2/-.. In many matters the railway administration has yet to file written statements. They may also produce the documents which may be relevant for the purpose of deciding the cases. Therefore, by consent of the advocates representing the parties it is decided to adjourn the matters and to fix them for hearing on 4-4-1988. The advocates and the parties are given to understand that they will be heard from day to day from 4-4-'88 onwards. If the Railway Administration wants to file replies in cases in which they have not filed they may do so in April and May 1988, with service of copy to the other side failing which no other time will be granted on that ground. Registry to fix the cases accordingly.

TRUE COPY


(C.T. Maniar)
Deputy Registrar(J).

Sd/-
(P.H. TRIVEDI)
VICE CHAIRMAN

Sd/-
(P.M. JOSHI)
JUDICIAL MEMBER

HPC/-.

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

20-4-1988

O R A L - O R D E R

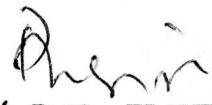
Per : Hon'ble Mr.P.H.Trivedi : Vice Chairman.

Heard Mr. P.H. Pathak and Mr. B.R. Kyada learned counsel for the applicant and the respondent respectively. The particulars about the period of employment given by the petitioner which are not disputed, it is established that requirement of the period of qualifying service of 120 days has been satisfied by the petitioner and, therefore, he is entitled to the benefits of the temporary service. Accordingly, he is entitled to the notice under Section 25 F of the Industrial Disputes Act which admittedly has not been given. It is therefore ordered that the petitioner be reinstated in service w.e.f. this date of his termination namely 30 November, 1985. The petitioner to report with a copy of this order before the Executive Engineer, Jamnagar. He will not be entitled to the back wages, if reinstated within 10 days from the date of this order. With this the impugned order of termination is quashed and set aside.

The learned advocate has stated that the petitioner's medical examination was held against the standard for B1, medical category. According to the petitioner the standards for the medical fitness required for his job is B2, category. The respondents plea that on the completion of 6 years service or more he is entitled for medical decategorisation and a proper post relating thereto is not relevant because in this case the petitioner's claim does not pertain to decategorisation but is regarding the relevance of the appropriate medical standards

against which his medical examination should have taken place for this purpose. The petitioner may submit a representation to the respondent authorities within 2 months from the date of this order and the respondent authorities shall dispose of the case within 2 months from the receipt of the representation thereof.

With this observation the case is disposed of.


(P.H. TRIVEDI)
VICE CHAIRMAN


(P.M. JOSHI)
JUDICIAL MEMBER