

Shri Madhukant B.Mehta,  
Gayatri Krupa,  
Parsana Nagar,  
Rajkot.

: Petitioner

verus

1. Union of India,  
Through:  
The General Manager,  
Western Railway,  
Churchgate, Bombay-20.

2. The Divisional Engineer,  
Western Railway,  
Kothi Compouns,  
Rajkot.

: Respondents

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

: Vice Chairman

Hon'ble Mr. N.Dharmadan

: Judicial Member

ORAL ORDER

Date: 17/4/1990


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


: Vice Chairman

Heard Mr.M.K.Paul and Mr.B.R.Kyada, learned advocates for the applicant and the respondents respectively. In this petition the grievance of the petitioner is limited to his right of reengagement against a vacancy to which he has a claim in terms of Section 25(h) of the Industrial Disputes Act in the order of his seniority governed <sup>by</sup> by him. The petitioner has not given any particulars of the date of the vacancy to which he makes a claim and the date on which his juniors have been reengaged with reference to which his claim can be examined. During the hearing, learned advocate for petitioner withdrew his claim regarding backwages and it was noted that <sup>there</sup> he was no <sup>> in his petition</sup> reference to which such a claim of backwages was made. In the circumstances, it is clear that no relief in terms of engaging the petitioner with reference to any particular date or in preference to any particular junior is merited or can be given. However, there is no challenge that the petitioner is governed by the Industrial Disputes Act. In so far as the petitioner <sup>is</sup> is not challenged

the order of termination but claiming reengagement in order of his seniority whenever a vacancy arises, The bar of limitation is also not attracted. It is, therefore, appropriate and adequate in the facts of the case to give the following direction.

The petitioner is at liberty to make a representation to the respondents giving particulars of the date of the vacancy to which he makes a claim on the ground of the order of seniority and of the engagement of his juniors with particulars of the names of the juniors and the dates of their reengagement, and the respondents ~~xxx~~ to dispose of his representation on merits thereon provided the representation is made within two months from the date of this order. Such a representation be disposed of within four months thereof. With this direction, the case is disposed of.

  
(N. Dharmadan)  
Judicial Member

  
(P. H. Trivedi)  
Vice Chairman