

OA/12/88

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

03-02-1988

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

(Oral Order)

Heard learned advocates Mr M D Rana and Mr R M Vin for the applicant and the respondents respectively. Mr Rana states that the petitioner was engaged as a Casual Labourer on 11-10-1965 and worked upto 02-02-1967 when he resigned and his resignation was accepted according to the Job Card. But, he states that actually he has not resigned and his resignation was obtained. Subsequently, he was engaged on 08-02-1973 to 13-05-1973 which services are to be taken into consideration again. He claims the benefits of the orders of Supreme Court in 1987 SC (Lab) 677. He also claims that his juniors whom he has named in the petition have been taken in service without giving him a chance. We find that the benefits of the Scheme in para 5.1 of the Supreme Court's Judgment cannot be availed of by the petitioner because the period of service prior to his resignation cannot be taken into account and thereafter in 1973 the period of service does not total to the period of 360 days continuous employment which renders him eligible for consideration under the scheme. So far as the plea that the resignation was not voluntarily given by him is concerned, there is no support in the contention because the Job Card a copy of which ~~is~~ ~~has~~ has been enclosed at Annexure 'A-1' states in terms that his

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resignation was accepted and there has been no representation made by the petitioner against such a statement thereafter. The petitioner has also not shown how he considers the persons named by him as his juniors. The plea of obtaining relief regarding re-absorption has been raised after a very long period and unless so supported cannot be entertained. The petition summarily dismissed with no order as to costs.

Phisri
(P H TRIVEDI)
VICE CHAIRMAN

Joshi
(P M JOSHI)
JUDICIAL MEMBER

Shah/-