

M.A./208/89

in


O.A./545/88

(4)

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

20/03/1989

Mr. V.B. Gharani<sup>y</sup> learned advocate for the applicant present. Learned advocate for the respondent not present. The case O.A./545/88 may be posted ~~for~~ in early June, 1989 as the interim relief has been asked for in the terms of the main relief which can be decided on the hearing of the main case, <sup>if is refused</sup> With this order, M.A. 208/89 stands disposed of.

  
( P H Trivedi )  
Vice Chairman

\*Mogera

M.A./524/89

in

OA/545/88

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

1/9/1989

Mr.V.B.Gharania and Mr.Parikh for Mr.R.P.Bhatt  
learned advocates for the applicant and the respondent  
present. Registry to fix the case in November, 1989.  
With this order, MA/524/89 stands disposed of.

  
(P.H.Trivedi)  
Vice Chairman

a.a.bhatt

29-1-1990

O.A.545/88

CORAM : Hon'ble Mr A.V.Haridasan, Judicial Member  
&  
Hon'ble Mr M.M.Singh, Administrative Member

ORAL ORDER

(Hon'ble Mr A.V.Haridasan, Judicial Member)

The applicant who was working as a Safaiwala in the office of the I.T.O., Mahesana with effect from 31.5.1985 has filed this application praying that the respondents may be directed to permit him to resume his duty as a Safaiwala. While working in the office of the I.T.O., Mahesana on 26.11.1985 the applicant was suddenly taken ill and was hospitalised. His grievance is that eventhough he had been despatching periodical sick reports and applications for leave and though he after the illness produced a medical fitness certificate and reported for duty, the respondents are not allowing him to rejoin duty and have been sending him hither and thither, i.e. to the office of the second respondent and back, and that ultimately though he made representation, copy of which is at Annexure-A6, the respondents have not so far called him back to duty. Aggrieved by the action of the respondents, the applicant has filed this application.

2. We have heard the arguments of the learned counsel on either side and have also gone through the records

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produced. It is admitted that the applicant was in the service of the respondent and that he fell ill while he was in the office of the second respondent. The case of the respondents is that the services of the applicant have been terminated for his unauthorised absence. It does not appear to be convincing. <sup>It is not stated whether he was given a chase sheet or not</sup> But in any way, it seems that the applicant made a representation on 11.2.1988 and the respondents have in the reply statement admitted that the above representation is pending, we are of the view that this application can be disposed of directing the respondents to consider the representation <sup>above</sup> in the light of the observation made and dispose of the same in accordance with law. Therefore, we dispose of the application directing the respondents to consider the representation made by the applicant on 11.2.1988 in the light of the observation made above and to dispose of the same in accordance with law, within a period of one month from this date. If he feels aggrieved by the outcome, the applicant will be free to initiate appropriate proceedings before the appropriate forum. There is no order as to costs. A copy of the order may be handed over to the learned counsel on either side.

M. M. Singh  
(M.M.SINGH)  
ADMINISTRATIVE MEMBER

  
(A.V.HARIDASAN)  
JUDICIAL MEMBER

29-1-1990

trs