

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
~~XXXXXXXXXXXX~~

O.A. No. 691 OF 1988 ~~198~~  
~~XXXXXX~~

DATE OF DECISION 14-6-1991

Jamu Prasingh, Petitioner

Mr. J.J. Yajnik, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent s.

Mr. N.S. Shevde, Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

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Jamu Prasingh,  
Casual Labourers,  
working under the  
AEN(II), W.R. Dahod.

..... Applicant.

(Advocate Mr.J.J.Yajnik)

Versus.

1. The General Manager,  
Western Railway,  
Churchgate, Bombay.

2. AEN (II)  
Western Railway,  
Dahod.

..... Respondents.

(Advocate: Mr.N.S.Shevde)

ORAL ORDER

O.A.No.691/88

Date: 14-6-1991.

Per: Hon'ble Mr. M.M. Singh, Administrative Member.

The applicant <sup>had</sup> ~~has~~ joined <sup>the</sup> ~~in~~ Western Railway as casual labourer and was last working with Assistant Engineer (II), Western Railway, Dahod. <sup>He</sup> ~~has~~ filed this original application in this Tribunal dated 28.10.1988 under section 19 of the Administrative Tribunals Act, 1985, alleging that the respondents discontinued him from service since 20th April, 1985. He seeks relief of declaration that the act of the respondents terminating his service without any notice or order of termination to him is illegal and arbitrary and in view of this the respondents be directed to reinstate the applicant in service as casual labour with full backwages.

2. The applicant had also filed M.A. 551/88 dated 29.6.1988 praying for condonation of delay in filing the original application.

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3. The original application was admitted subject to limitation. The respondents reply to the original application is to the effect that the applicant had infact worked upto 22.5.1985 and he is thereafter absconding <sup>from</sup> ~~his~~ duty at his own record. The reply also questions the delay in filing the application in the light of judgment of the Supreme Court in Ajit Singh V/s. State of Gujarat (AIR 1981 SC 733).

4. The contention of the respondents that the applicant had worked upto 22.5.1985 has not been controverted by the applicant by filing rejoinder.

5. We have heard Mr. N.S. Shevde, learned counsel for the respondents and perused the record. Counsel for <sup>and the applicant</sup> the applicant ~~made~~ no appearance.

6. The averments of the applicant <sup>in</sup> of the application being to the effect that he was discontinued from service from 20th April, 1985 and the respondents' reply <sup>ed</sup> apparantly ~~is~~ basis on the record of service of the applicant saying that he was on duty upto 22.5.1985 and has been absconding ever since which has not been controverted by filing rejoinder, <sup>in</sup> ~~in~~ accordance with law <sup>make</sup> pleadings, <sup>n</sup> untenable <sup>n</sup> prayed relief on the ground that the applicant's <sup>n</sup> service <sup>n</sup> were discontinued with effect from 20th April, 1985. Mr. Shevde made a submission that the applicant has not appeared ever since for duty <sup>n</sup> ~~and~~ <sup>and</sup> ~~therefore~~ <sup>and</sup> he has not been given duty. He also submits that the department has taken no action in the shape of either terminating his service or taking any action consequent upon his alleged absconding from duty. As the respondents' case is that the applicant's absence is voluntary which <sup>n</sup> ~~contents~~ <sup>n</sup> is not denied by the <sup>n</sup> ~~respondents~~ <sup>n</sup> ~~respondents~~. We see no grounds for granting the relief prayed.

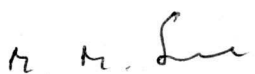
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7. In view of <sup>go<sup>n</sup> into<sup>n</sup></sup> he above we do not ~~going to~~ the question of delay and whether the same <sup>h</sup> ~~can~~ requires to be condoned at this juncture when the matter has been listed for final hearing and we find that the application itself can not be allowed.

8. We should ~~make~~ it clear at this juncture that the applicant has not <sup>alleged<sup>n</sup></sup> ~~in fact~~ breach of any rules or regulation <sup>of<sup>n</sup></sup> for the I.D. Act and rules thereunder. In view of the above, if he has any grievance with regard to the <sup>breach of<sup>n</sup></sup> I.D. Act or the rules thereunder, he will be at liberty to pursue <sup>his<sup>n</sup></sup> ~~at the~~ grievance in the proper forum.

9. The application is dismissed without any order as to costs.

  
(R.C. Bhatt)  
Judicial Member

  
(M.M. Singh)  
Admn. Member

ttc.

(7)

M.A./551/88  
in  
O.A. Stamp No. 497/88.

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman  
Hon'ble Mr. P.M. Joshi .. Judicial Member

3/08/1988

Heard Mr. I.M. Kapoor for Mr. V.H. Bhairavia  
and Mr. N.S. Shevde, learned advocates for the applicant  
and respondents respectively. Respondents to file reply  
within 15 days. The case be adjourned to 31st August,  
1988 for orders.

*P.H. Trivedi*  
( P H Trivedi )  
Vice Chairman

*P.M. Joshi*  
( P M Joshi )  
Judicial Member

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M.A./551/88


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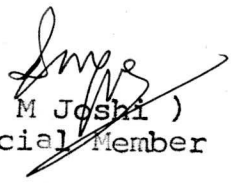
O.A. Stamp No. 497 of 88.

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman  
Hon'ble Mr. P.M. Joshi .. Judicial Member

26/10/1988

Heard Mr. Kapoor for Mr. V.H. Bhairavia and Mr. N.S. Shevde for the applicant and respondents respectively. Admit subject to limitation in view of reply not having been filed by the respondent. Issue notice on the respondents to reply on merits within 45 days. With this order M.A./551/88 stands disposed of. The main application be numbered and be posted for further direction on 22nd December, 1988 before Registrar.

  
( P H Trivedi )  
Vice Chairman

  
( P M Joshi )  
Judicial Member

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