

Shri Kanubhai M. Barot
Son of Muljibhai Barot
C/o. Bharatkumar Barot
Railway Quarter 25A
Opp. Railway Station,
Bhavnagarpara.

.. Applicant

Versus

1. The Union of India
Owning and representing
Western Railway its
General Manager, Churchgate,
Bombay.

2. The Divisional Railway
Manager, Western Railway,
Bhavnagarpara.

.. Respondents

Coram : Hon'ble Mr. P.M. Joshi : Judicial Member

Hon'ble Mr. D.K. Chakravorty : Administrative
Member

ORAL ORDER

5/5/1989

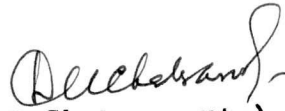
Per: Hon'ble Mr. P.M. Joshi : Judicial Member

The petitioner Shri Kanubhai M. Barot of Bhavnagar has filed this application under Section 19 of the Administrative Tribunals Act, 1985. It is alleged by the petitioner that he is working as a Bungalow Peon at Bhavnagarpara in the Western Railway but he has not been allowed to resume his duties after 5/12/1988. He has prayed that the respondents be directed to restore him in service with all consequential benefits.

By ^{allowed,} the way of amendment/ the petitioner has prayed ^{action terminating his services} that ~~he has been terminated~~ by the oral order is illegal and ^{the same} ~~to~~ be quashed and set aside.

In response to the notice served upon by the respondent they have filed the reply. In their reply they have denied the assertions and allegations made by the petitioner. According to them, the petitioner is only a substitute employee, he has no right of absorption. It is submitted by them that the

petitioner had ^{proceeded} provided on casual ^{leave} labour for five days
 vide his application dated 30/11/1988 which was granted.
 However, ^h thereafter he has not reported for duty and
 consequently ^{by} he has been subjected to departmental
 proceedings. They ^{have} clarified that they have neither
 prevented the petitioner from resuming his duty nor his
 services are terminated. At this stage, Mr.K.K.Shah,
 the learned counsel for the petitioner stated that the
 petitioner is willing to resume his post as Bunglow Peon
 and in terms, he will report for duty. According to
 him, the merits of the rival stand need not be adjudic-
 ated at this stage and he will prefer to withdraw the
 application. ^{Accordingly, the} permission ^{as} accordingly sought is granted
 with a liberty to the petitioner to file ^a fresh applica-
 tion on the basis of the same cause. The application,
 therefore, stands disposed of as withdrawn.


 (D.K.Chakravorty)
 Administrative Member


 (P.M.Joshi)
 Judicial Member