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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A. No. 260 of 1989
T.A. No.

DATE OF DECISION 23-9-1992

Shri K. C. Vyas Petitioner

Shri P. K. Handa Advocate for the Petitioner(s)

Versus

Union of India & Ors Respondent

Shri N. S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. V. Krishnan Vice Chairman.

The Hon'ble Mr. R.C. Bhatt Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✗

Shri K. C. Vyas

C/o Permanent Way
Inspector (PQRS)
Bharuch.

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Applicant.

Advocate Shri P.K. Handa

Versus

1. Union of India
Secretary Ministry of Railways
Rail Bhavan, New Delhi

2. General Manager
Western Railway Chruchgate
Bombay.

3. Divisional Railway Manager
Western Railway
Pratapnagar, Vadodara - 4

4. Sr. Divisional Engineer (Civil) (3)
Western Railway, Pratapnagar,
Vadodara.

5. Assistant Engineer (Civil) (II)
Western Railway, Bharuch.

Respondents.

Advocate

Shri N.S. Shevde

ORAL JUDGEMENT

In

O.A. 260 of 1989

Date : 23-9-1992.

Per Hon'ble Shri R.C. Bhatt

Member (J)

Shri P. K. Handa for applicant.

Shri N.S. Shevde for respondent.

1. This application under section 19 of the Administrative Tribunal Act is filed by the Casual Khalasi serving under P.W.I Bharuch in the Railway Department seeking the relief that the respondents be directed to re-in-state him from 27th December, 1987, with fullback wages and seniority. It is the case of the applicant that his services were terminated by the Oral Order dated January 1989 by the Senior Divisional Engineer (CIVIL) Baroda. The respondents have filed reply ~~refuting~~ refuting the allegations made by the applicant and they have denied that they have retrenched or terminated the services of the applicant. They have contended that the applicant had remained absent on his own accord with effect from 7th December, 1987. It is also contended by the respondents that the Yellow Card produced by the applicant in this case is a forged one.

2. At the time of hearing the learned Advocate for the applicant submitted that the applicant had no objection if the respondents re-engage him as Casual Khalasi without any back wages. The learned Counsel for the respondents submitted that the respondents are ready to re-engage the applicant on duty without back wages but the respondents should be at liberty to take action against the applicant for his submission of forged yellowcard. The learned Advocate for the applicant submitted that the question of seniority -

also may be permitted to be taken by the applicant
~~in the way of~~
~~either as~~ representation subsequently.

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We have heard the learned Advocates and we pass the following order.

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The application is partly allowed. The respondents are directed to re-engage the applicant within one month from the receipt of this order without paying any back wages to the applicant. Since the complaint of the respondents is that the applicant has remained absent from 7th December 1987 without any information, therefore, the applicant is also directed to report before the respondents within one month from the date of receipt of this order to enable the respondents to re-engage him on duty. The respondents will be at liberty to take suitable action against the applicant with regard to the alleged forged document of yellow card. The applicant also would be at liberty to make representation to the respondents regarding his termination of service from 7th December 1987 till the date of the re-engagement be counted for seniority. The respondents shall not further take any Disciplinary ~~and~~ action against the applicant for the absence from the ~~date~~ 7th December 1987, till the date of re-engagement.

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The application is disposed off accordingly

No order as to cost.

R.C.B.

(R.C.Bhatt)

Member (J)

(Signature)
23/8/92

(M.V.Krishnan)

Vice Chairman

*AS.