

No-
Continuous Service
and Casual Labour

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH
~~NEW DELHI~~

O.A. No. 255 of 1991.
~~Case No.~~

DATE OF DECISION 14.8.1991

Nathalal Lavjibhai Dhola

Petitioner

Mr. M.M. Xavier

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. R.M. Vin

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh Member (A)

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?

Nathalal Lavjibhai,
Casual Labourer (Seasonal Waterman)
Jetalsar Junction. .. Applicant
(Advocate - Mr. M.M. Xavier)

Versus

1. Union of India,
Through :
General Manager, W.Rly.,
Churchgate,
Bombay - 400 020.
2. Divisional Rly. Manager,
W.Rly., Bhavnagar Division,
Bhavnagar. .. Respondents
(Advocate - Mr. R.M. Vin)

O R A L - O R D E R

O.A. No. 255 of 1991

Dated : 14.8.1991

Per : Hon'ble Mr. M.M. Singh .. Member (A)

This Original Application was filed by a casual labourer employed in the Western Railway at Jetalsar Junction against his non re-engagement as a seasonal Waterman despite ~~he is~~ ^{his h} being eligible for re-engagement.

The order dt. 4.6.1991 of his non-re-engagement was issued by respondent. The order is produced at Annexure A-10.

2. When the matter is called for admission hearing, Mr. M.M. Xavier, learned counsel for the applicant submits that the respondents have by order dt. 31.7.1991 re-engaged the applicant, the annexure to which order also discontinues 13 persons who were junior to the applicant and were engaged though the applicant senior to them was not engaged. In view of this position, Mr. Xavier seeks permission to withdraw the application.

3. While permitting withdrawal of the application

we should observe that the order dt. 31.7.1991 by which the applicant's right to be engaged being a senior to rectify the situation created by the issue of order to disengage senior and engaging junior, ~~we~~ must observe that if proper care is taken in issue of orders, avoidable litigation in service matter will not take place. In this case, the order of 31.7.1991 came to be issued after filing of the application by the applicant. A copy of this order should be sent by the office to the General Manager, Western Railway for his information. We hope that suitable steps will be taken so that such instances are not repeated.

4. Application is finally disposed of as withdrawn.

No order as to costs.

R C Bhatt
(R C Bhatt)

Member(J)

M M Singh
(M M Singh)
Member(A)

*Mogera

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ORAL - ORDER

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Member(J)

(M M Singh)
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