

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

O.A.NO./158/92

T.A.NO.

DATE OF DECISION 25.3.1999

Mr J. M. .Gor & ors. _____ Petitioner (s)

Mr. M.D.Rana _____ Advocate for the petitioner(s)

VERSUS

Union of India & Ors _____ Respondent (s)

Mr.B.N.Doctor _____ Advocate for the Respondent(s)

CORAM

THE HON'BLE MR. V.RADHAKRISHNAN : MEMBER [A]

THE HON'BLE MR P.C.KANNAN : MEMBER [J]

JUDGMENT

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

No

1. Gor Jaisukhlal Mohanlal
Bawa-wadi,
Manavadar.
2. Chhaganlal Damjibhai Solanki,
Patel Chowk,
Manavadar.
3. Chadulal Govindbhai Dekiwadia,
Baug--Darwaja Bahar, opp. Taka,
Manavadar.
4. Kansagara Dhirajlal Becharbhai,
Davda Via Bantwa,

All serving as casual labourer,
C/o, M.D.Rana, Advocate.

Applicants

Advocate Mr.M.D.Rana

Versus

1. The Union of India, Through :
The General Manager,
H.C.Road, Ahmedabad.
2. The Sub Divisional Engineer,
Sub Divisional Office, telephones,
Junagadh.

Respondens

Advocate Mr.B.N.Doctor

**ORAL ORDER
IN
O.A.158/92**

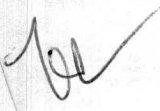
Dt. 25.3.1999

Per Hon'ble Mr.V.Radhakrishnan : Member [A]

Heard Mr.Rana and Mr.Doctor, the learned counsels for the applicants and the respondents respectively.

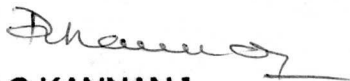
2. Mr.Rana points out that the applicants have been employed by the department for the various period from 1976, 1982, 1983 and their services were terminated orally without issuing any notice to them. The contention of the department is that they have voluntarily abandoned the job. However, Mr.Rana points out that no notice was given to the applicants to re-join duty and no further action taken by them to take disciplinary action for unauthorized absence. Hence, he states that termination of the applicants services are arbitrary and unconstitutional. Mr.Doctor states that these applicants were working as casual labourers and it is not necessary for the casual labourers to be present continuously and it is up to them to continue the job or leave the job whenever they want and the department is not required to issue any notice.

However, during the discussion, Mr.Rana states that the department had prepared a scheme for regularization of the casual labourers and the department has not considered these applicants for regularization under the scheme. Mr.Doctor however, states that the applicants have not applied for any such regularization. After discussion, we feel that the O.A. can be disposed of with a direction to the department to consider as to whether the applicants in this O.A. are covered under the provisions in the scheme prepared by the department for regularization of the Casual labourers and if



necessary, they may make inquiry regarding the number of days worked by them as per the documents submitted by the applicants as well as with the help of their own records and also give a personal hearing to the applicant on a mutually convenient date and take necessary action for their regularisation and if found eligible inform the applicants the result by means of a speaking order within a period of 4 months from the date of receipt of a copy of this order.

With the above directions, the O.A. stands disposed of accordingly. No costs.



[P.C.KANNAN]
MEMBER[J]



[V.RADHAKRISHHAN]
MEMBER [A]

SSN

<p>तारीख DATE</p>	<p>कार्यालय टिप्पणी OFFICE REPORT</p>	<p>आदेश ORDER</p>
<p>24.11.99</p>	<p>Mr. B.N.D. was informed to supply MA. He, also, then reminded. After waiting for long period he has not supplied copy of MA. Hence notice has not issued.</p> <p>py 23-12-99</p>	<p><u>MA/674/99</u></p> <p>Mr.B.N.Doctor says that copy of this MA is sent to the opponent by the Register Post. However there is no acknowledge on record. However issue notice of this MA/674/99 returnable on 6.1.2000.</p> <p>(A.S.Sanghavi) Member (J)</p> <p>nkk</p>
<p>6.1.2000</p>		<p><u>MA/674/99</u></p> <p>Heard Mr.M.D.Rana. MA for extension of time prayed for implementing the order dt: 25/3/99 ^{has} is already been over. MA has become infructuous and disposed of accordingly.</p> <p>(P.C.Kannan) Member (J)</p> <p>nkk</p>

कार्यालय टिप्पणी
OFFICE REPORTआदेश
ORDERMA/674/99

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(A.S.Sanghavi)
Member (J)

nkk

6.1.2000

MA/674/99

Heard Mr.M.D.Rana. MA for extension of time prayed for implementing the order dt: 25/3/99 is already been over. MA has become infructuous and disposed of accordingly.

(P.C.Kannan)
Member (J)

nkk