

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 354/92

~~T.A. No.~~

DATE OF DECISION 1/11/1993

Shri Amrat Hirabhai Solanki Petitioner

Shri S.G. Shah Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel

: Vice Chairman

The Hon'ble Mr. V. Radhakrishnan

: Member (A)

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 ?

No

Shri Amratbhai Hirabhai Solanki
Casual Labourer,
Satellite Earth Station,
Mitha (Dist.Mesana)

: Applicant

(Advocate: Mr.S.G.Shah)

Versus

1. Union of India
Through:
The Secretary, Post & Telegraph
Department, Department of Tele-
communication summons to be
served through the
General Manager, Maintenance
Western Telecom Region, 11th
Floor, Telephone House, Veer
Savarkar Marg, Prabhadevi,
Bombay-28.
2. A.D.E.T.,
Satellite Mtce,
(Satellite Earth Station)
At: Mittha (Mehsana)
3. A.E.M/W
(Microwave)
At Gandhidham.

: Respondents

(Advocate: Mr.Akil Kureshi)

ORAL JUDGMENT

IN

O.A.354/92

Date:1/11/1993

Per: Hon'ble Mr.N.B.Patel

: Vice Chairman

After discussion at the bar, Mr.Shah, the learned advocate for the applicant, states that the applicant is prepared to make a representation for his re-engagement as a casual labourer; and the applicant will, for the present, be satisfied, if the Tribunal directs the respondents to consider his representation sympathetically when there is any occasion to engage or re-engage the casual labourers. In the circumstances, it is ordered that if the applicant

makes a representation to the appropriate authority with a copy to Assistant Engineer, Satellite Earth Station, Mittha , his representation will be sympathetically considered by the authorities, bearing in mind the number of days for which the applicant has worked in the past and the other relevant factors. In view of this, Mr. Shah, under instructions from the applicant, who is personally present in the Court, seeks permission to withdraw this O.A. Permission granted. O.A. stands disposed of as withdrawn. No order as to costs.



(V. Radhakrishnan)
Member (A)



(N. B. Patel)
Vice Chairman

a.a.b.

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD

Application No. 04/354/92 of 199

Transfer Application No. Old Writ Pet. NO.

C E R T I F I C A T E

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided).

Dated : 22/11/93

Counter-signed :

Ati
22/11/93
Section Officer/Court Officer

cecelap
Sign. of the dealing Assistant.

Central Administrative Tribunal
Ahmedabad Bench
Inward No. 1380
Date 12/04/90



8/2-12/1/90
12/4/90

OA No. 1354/1990-1992

In the Central Administrative Tribunal,
Ahmedabad Bench, At. Ahmedabad

Amratbhai Hirabhai Solanki

Petitioner

Vs.

Union of India

Opponent

Index

| S.No. | Description | Date | Page Nos. |
|-------|---|----------|-----------|
| 1 | Petition. | 9-4-90 | 1-6 |
| 2 A | A.D.E.T Sat Mtcs. Mitha's letter for Interview | 14-4-87 | 7 |
| 3 A | x " | 4-5-87 | 8 |
| 4 | Copy of Compromise in Gujarati Duty signed by ADET. | 28-8-87 | 9 |
| 5 | Copy of Notice | 21-4-88 | 10-12 |
| 6 | AGM (ADM) Bombay's letter | 31-10-88 | 13 |
| 7 | Report to refuses | 17-11-88 | 14 |
| 8 | Forwarding letter | 17-11-88 | 15 |
| 9 | Copy of letter Address to AGM.by Applicat | 19-11-88 | 16 |
| 10. | Copy of letter | 7-4-89 | 17-18 |
| 11. | Copy of letter | 13-4-89 | 19 |
| 12. | Copy of letter | 23-6-89 | 20 |

Place : Ahmedabad

Date: 10-4-90

To the Register
CENTRAL ADMINISTRATIVE TRIBUNAL
Ahmedabad.

501-856/102
120.

Shr. T

Saw
12/4/90

A-1
2

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985

For use in Tribunals office

DATE OF FILING

3

OR

DATE OF RECEIPT BY POST

REGISTRATION NO.

SIGNATURE

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

ADDITIONAL BENCH Ahmedabad.

BETWEEN

*1. Amratbhai Hirabhai Solanki
Aged about 27 occupation. Service
Residing at Village. Mitha
Taluka Dist. Mehsana.

... APPLICANT

AND

1. Union of India.
through the Secretary
Post & Telegraph Deptt.
Department of Telecommunication
Summons to be Served through
the General Manager Maintenance
Western Telecom Region
11th Floor. Telephone House,
Veer Savarkar Marg
Prabhadevi. BOMBAY 28.

... RESPONDENT

DETAILS OF APPLICATION :

1. Particulars of the applicant;

- | | |
|--|--|
| (1) Name of the applicant; | Amratbhai |
| (2) Name of the father; | Hirabhai Solanki |
| (3) Designation and office in which employed; | Casual Labourer Satellite Earth Station <u>Mitha</u> (Dist. Mehsana) |
| (4) Office address; | A. E. Satellite Maintainance |
| (5) Address for service of all notices; | Satellite Earth Station Mitha. Dist; Mehsana. |

2. Particulars of the Respondant;

- (i) Name and Designation of
the Respondant;

(1) Union of India;
through the Secretary
Post & Telegraph Deptt.
Department of Telecommu-
nication Summons to be
Served through the
General Manager Maintain-
ance Western Telecom
Region 11th Floor. Tele-
phone House, Veer Savarkar
Mrg Prabhadevi. BOMBAY 28.

Respondent ~~and~~

No: (2) A.D.E.T.
Satellite Mtce.
(Satellite Earth Station)
AT: MITHA (Mehsana)

No: (3) A.E. M/W
(Microwave)
AT: GANDHIDHAM.

Amended as per order passed
in M.A. 340/92 dt. 12/10/92 *Sgshah*
Adm.
27/11/92

- (ii) Office address of the
Respondants;

As above.

- (iii) Address for service of
all notices;

As above.

3. PARTICULARS OF THE ORDER AGAINST WHICH
APPLICATION IS MADE :

The application is against the following order;

Applicant was orally asked not to come on duty on
6/10/87. He is not given anything in writing. No final

Reply is give. On the other hand A.G.M. Bombay informed on 31-Oct. 88 that he is not removed from Services. He was ordered to report A.E. M/W. Gandhidham on. 23.6.89 but is not Taken on duty.

(iv) SUBJECT MATTER IN BRIEF:

Applicant was appointed on casual Labour on or about 15/5/87, He was Serving Sincerly. Due to Some conflict with N.K. Prajapati JTO. Mitha . He was instructed orally by one P.I. Patel , that he should not come on duty from 6/10/87. Applicant was not served with any notice charge-Sheet or Shaw Cause etc.

Applicant Served notice on. 21/4/88, A.G.M. (ADM) BOM. informed that he is not removed from Services. Applicant therefor prayed for taking him on duty unfortunately He is not being taken on duty.

4. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the order against which he wants redress is within the jurisdiction of the Tribunal.

5. LIMITATION :

The applicat further declares that the application is within the limitation prescribed in section 21 of the ADM. Tribunal, Act.

6. FACTS OF THE CASE:

Applicant appointed on. 15/5/87. There was a Dispute with one. Prajapati Applicant was orally asked not to come on duty .Applicant therefor Served Notice, The AGM (ADM) Bom. informed that he is not removed Applicant therefor prayed for duty the D.E. Sattelite. Ahmedabad orderd him to Join at Gandhidham. but he was not taken on duty Applicant gave several

petitioner to all concern officer but all in vain ~~xx xxx~~
 he is not being taken on duty.

He visited Ahmedabad office, Gandhidham office,
 and Mitha, office, but he is not being taken on duty.

He is not removed as per say of opponents.

He is not Suspended

He is not taken on duty

He is not Served any shaw Cause notice or Chargesheet

He had Compromised with Mr. N.K. Prajapati J.T.O. sat.
 (Mitha) and Same was signed by both parties and Counter -
 signed by ADET. Sat. Mitha However poor petitioner a
 member of Scheduled Caste is ~~xxxxxxx~~ deprived off his
 bread since 15/5/87 Last order to take him on duty is
 Dated 23/6/89. but not taken & hence this petition please.

7. RELIEFS :

In view of the facts mentioned in para 6 above,
 the applicant prays that following reliefs be given.

opponent be ordered to take the petitioner on duty, and at

~~pay the wages of the period he was deprived off.~~ any place
 in any Category. He be given BREAD.

8. INTERIM ORDER :

Opponents be ordered to take the petitioner on
 duty at Mitha till the matter is finally decided.

Order of D.E. Satellite (Maintainance) be executed
 and applicant be provided Job.

9. DETAILS OF THE REMEDIES EXHAUSTED :

The applicant declares that he had availed all
 the remedies available to him under the relevant service
 rules in submitting representation and proof as under;

Applicant served notice

Applicant prayed severltime, ~~Copies~~ enclosed Copies
 the order of D.E. Satellite. (MCE) Dated 23/6/89 is not
 being executed inspite of Several request & Visit of Ahmedabad
 & Gandhidham & Mitha.

10. ~~XXXXX~~ MATTER NOT PENDING WITH ANY OTHER COURT. ETC.

The applicant further declares that the matter regarding the subject matter is not pending in any other court of law or any other authority or Tribunal.

11. Particulars of Bank Draft/Postal order in respect of the Application fees;

1. Name of the Bank on which drawn;
2. Demand Draft No.

OR.

1. Number of the Indian Postal ORDER :
2. Name of the issuing Post Office;
3. Date of the issue of the Postal order;
4. Post Office at which payable;

12. Details of Index :

An index in duplicate containing the details of documents to be relied upon is enclosed.

13. List of the enclosers;

1. A.D.E.T. Sat. ~~xxxx~~ Mice. Mitha's letter. Dt. 14/4/87
2. For Interview
2. " " Dt. 4/5/87
For appointment.
3. Copy of Compromise
in Gujarati Duly Signed by ADEP. Dt. 28/8/87
4. Copy of Notice Dt. 21/4/88
5. AGM (ADM) Bombay's letter Dt. 31/10/88
6. Report to refuse Dt. 17/11/88
7. Forwarding Letter Dt. 17/11/88
8. Copy of Letter Address to
AGM. by Applicant Dt. 19/11/88
9. Copy of Letter " Dt. 7/4/89
10. Copy of Letter " Dt. 13/4/89
11. Copy of Letter " Dt. 23/6/89

(6)

Zahir Zaynab Begum

In verification ;

I, Amtatbhai Hirabhai Solanki do hereby verify that the contents of para 1 to 13 are true to the best of my personal Knowledge and belief and that I have not suppressed any material facts;

Signature of the applicant;

X Zahir Zaynab Begum

Place ; MEHSANA

Date ; *10-4-90*

To The Registrar ;

CENTRAL ADMINISTRATIVE TRIBUNAL :

Ahmedabad.

Received by post

Filed by Mr. *Solanki A.H.*
Learned Advocate for *Petitioner*
with second set & *...* spares
copies cc. served/not served to
other side

Di. 12/4/90 Dy. Registrar C.A.T.(I)
A'bad Bench