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O.A. 526/01
ORDERS OF THE TRIBUNAL

NOTES OF THE REGISTRY

Rejoinder not filed.

Bench

My
30/9/02

Rejoinder not filed.

Bench

My
6/10/02

For admissions and
hearing.

Rejoinder filed. Copy
served.

Bench

My
26/11/02

Order dated 9-9-02

Let this matter be posted and
published in the morning list for
final disposal at the admission
stage.

Arora
Vice-Chairman
9-9-2002
(Chairman)

Order dated 27.11.2002

None appears for the Applicant when
called nor has there been any prayer made on his
behalf seeking adjournment. However, Shri A.K.
Bose, learned Senior Standing Counsel for the
Respondents is present and heard.

The Applicant was engaged as a Sweeper-
cum-Mali in the Holiday Home (Puri). His services
were discontinued during the period when repair
works of the Holiday Home were undertaken. But,
thereafter, the Applicant was not reengaged.
Instead, some other persons were engaged and in
the said premises, the Applicant has filed this
Original Application under Section 19 of the
A.T. Act, 1985.

By filing a counter the Respondents
have disclosed that the Applicant was a part-time
man and was not engaged ^{on} full-time basis. In
support of this statement, the Respondents have
filed Annexures, which go to show that the
Sweeper-cum-Mali was a part-time engaged person.

Law is well settled that a temporary
hand cannot be replaced by another temporary
hand. When the Applicant was disengaged during

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the period the repair works of the Holiday Home were undertaken; he should have been recalled, after completion of the repair works. Instead, as it appears, some other persons were engaged in his place; which was not proper.

In the aforesaid premises, having heard Shri A.K.Bose, learned Senior Standing Counsel for the Respondents and having perused the materials available on record, I am satisfied that this is a fit case where the Applicant should be recalled to discharge the duties of a part-time Sweeper-cum-Mali; as the action of the Respondents in replacing part-time engagement of the Applicant by another is against the public policy. Therefore, this O.A. is allowed with a direction to Respondents to recall the applicant to discharge the duties of part-time Sweeper-cum-Mali in the Holiday Home at Puri, by the end of December, 2002. No costs.

Send copies of this order to the Applicant and Respondents. Free copy of this order be handed over to Shri A.K.Bose, learned Sr.Standing Counsel for the Respondents.

Subhan
27/11/02
MEMBER (JUDICIAL)

Copy of order

aff. 27/11/02
despatched to the both
aff the parties
by posts.

The same copy of
order despatched to
Smt. S. C.

DR
S.O. 28/11/02

M
28/11/02