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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,

J_O_D_H_P_U_R.

Date of Order : 1.5.2000

O.A. 105/1999

Surendra Singh S/O Shri Bhawani Singh aged 27 years
R/O Bapu Colony, Sagar Road, Harijan Basti, Behind
Zila Parishad, Bikaner Ex-Temporary Status Labour,
375 Coy ASC (Supp) Bikaner.

... Applicant

vs

1. Union of India through the Secretary to the Government Ministry of Defence, New Delhi.
2. Commanding Officer, 375 COY ASC (Supp) Type B Bikaner.

... Respondents

Sh. N.K. Chandak, Adv., brief holder for
Sh. Vijay Menta, Counsel for the Applicant.
Sh. Vineet Mathur, Counsel for the Respondents.

CCRAM :

Hon'ble Mr. Gopal Singh, Adm. Member

O_R_D_E_R

(PER HON'BLE MR. GOPAL SINGH, ADM MEMBER)

Heard the learned Counsel for the parties.

2. In this case, the applicant has prayed for setting aside the verbal termination order dated 01.2.1999, passed by the respondent No.2. He has also claimed the relief of reinstatement and for wages from April, 1998 to January, '99.
3. The learned Counsel for the applicant has argued that respondents have not made the payment to the applicant

Gopal Singh

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for the period as mentioned above, although he was a temporary status holder and was verbally terminated. Therefore, he deserves to be reinstated with consequential benefits and orders relating to payment of back wages.

4. On the other hand, the learned Counsel for the respondents has submitted that the services of the applicant was never terminated but the applicant himself stopped coming to work from 01.2.1999, and consequently he is not entitled to any consequential benefits. However, this is the reply of the respondents that they are prepared to make the payment of wages to the applicant for the period in question and they are also prepared to take him on duty provided he reports.

5. In view of the above submissions, controversy is limited only to the extent of the wages relating to the period from 01.2.1999 till he is taken on duty because other two disputes have almost come to an end because of the admission of the respondents. Looking to the controversy involved, we pass the following order :

- (i) The applicant should report on duty on 15.5.2000 with a written application and the respondents shall take him on duty after receiving the written report relating to joining the duties with a receipt to the applicant.
- (ii) The respondents shall make payment of wages to the applicant for the period from April, '98 to January, '99 for the days he spent on duty as per the rules.
- (iii) The applicant should represent to the higher authorities in respect of the period starting

Compable

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from 01.2.1999 till he is taken on duty, in respect of claim of wages or treating this period as on duty and such representation of the applicant shall be disposed of by the respondents by a reasonable speaking order within a period of three months from the date of its receipt.

6. The Original Application is disposed of accordingly. However, there is no orders as to cost.

J

Gopal Singh
(GOPAL SINGH) 1/12/1999
Adm. Member

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GOVERNMENT OF INDIA
MINISTRY OF LABOUR
1/12/1999

(Signature)

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 (Vijay me. hler)
 Advocate

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Part II and III destroyed
 in my presence on 2.7.8.06
 under the supervision of
 section officer (1) as per
 order dated 23/8/06

Section officer (Records)