

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 408/93

Monday, the thirtieth day of May, 1994

HON'BLE MR. N. DHARMADAN (J)

HON'BLE MR. S. KASIPANDIAN (A)

Sumathi, Sweeper
National Environmental Engineering
Research Institute, Kochi Zonal Laboratory
Palarivattom, Kochi-25

Applicant

By Advocate Mr. M.M.Saidumuhammed

vs.

1. The Director, National Environmental
Engineering Research Institute
Nehrumarg, Nagpur-440020

2. The Scientist & Head, National
Environmental Engineering Research
Institute, Kochi Zonal Laboratory
Palarivattom, Kochi-25

Respondents

By Advocate Mr. T.P.M. Ibrahim Khan ACGSC

ORDER

N. DHARMADAN (J)

Applicant is coming for the second time. Earlier when O.A. 1189/91 was filed by the applicant against her termination, we allowed the original application with the following directions:

"In this case, it is an admitted fact that immediately after termination of the applicant, the third respondent was employed for one year and thereafter another person is employed and he is continuing. So the employer was making payments in connection with alternative arrangement. Having regard to the facts and circumstances of the case, we are of the view that the employee is not entitled to back wages.

Regarding the eligibility of other benefits, applicant may make representation to the appropriate authority and it will be considered and disposed of in accordance with law.

The application is allowed to the extent indicated above. There will be no order as to costs."

2. In the present original application, she prays for a declaration that she is entitled to work as full time sweeper, in the office of the second respondent, with

with salary applicable to full time sweeper. She also prays for a direction to fix her salary treating her as a full time sweeper.

3. When the case came up for final hearing, learned counsel for respondents submitted that the applicant is not attending for work from 13.1.94. Learned counsel for the applicant is not in a position to confirm this statement. Since he expressed his inability to contact his client. However, the statement of the learned counsel for the respondent is based on instruction from Departmental authority; it is to be accepted.

4. Under these circumstances, we accept the statement of the respondents and close the original application after recording the statement of the learned counsel for the respondents.

5. The original application is closed as above.

6. There shall be no order as to costs.

S. K. Pandian

(S. KASIPANDIAN)
MEMBER (ADMINISTRATIVE)

N. Dharmadhan
30.5.94

(N. DHARMADAN)
MEMBER (JUDICIAL)

30.5.94

kmm