

(A4)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A.No. 129/1990

Ram Prasad

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.

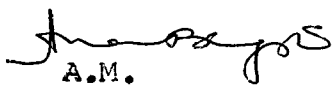
Hon. Mr. A.B.Gorthi, Adm.Member.


(Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant who was a casual labour engaged in the year 1990 and continued to work for more than 120 days was taken into the category of decasualised casual labour. According to the applicant, while on duty on 12.12.89 when he was working between Tilhar and Banghara Railway Stations, he was hurt as a piece of stone struck his right eye. As the medical facilities were not available on the spot he proceeded to District Hospital Hardoi where he continued under treatment upto 15.11.88. As a result of this injury he lost the vision of right eye. The department allowed leave on full pay with effect from 12.10.88 to 7.11.88 and after release from the hospital he resumed the duty on 17.11.88 but he was not allowed to join. He made representations after representations but of no avail. According to the applicant he was entitled to compensation for injury but the same was not given to him. Similarly placed and even juniors to the applicant are continuing in the service but the applicant has been retrenched and that too without any reason.

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2. The respondents ^{not} have not denied the factum of injury. It was during the course of duty ~~xxx~~ that he suffered the injury and in view of the pleadings it can safely be ~~accepted~~ that the injury was caused during the course of duty and being a casual labour he not being entitled for medical facilities got himself admitted in the District Hospital. There ~~is~~ was no reason in ^{not} giving him the suitable job. Not taking him on duty ~~while allowing others~~ cannot be justified and this application is allowed and ~~the~~ respondents are directed to take back the applicant on duty forthwith treating him on continuous duty from ~~the~~ date his leave expired. The applicant will not be paid ~~salary~~ upto 1.10.91 ^{by which date} ~~by the applicant~~ and the applicant will be allowed to resume duty. No observation regarding compensation can be made and the applicant has to approach to proper forum regarding the compensation.


A.M.


V.C.

Lucknow Dated: 18.9.91