

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 259/88

~~Transfer Application No xxx~~

DATE OF DECISION 6.3.83

Sri Krishaa Anant Lad Petitioner

Mr. V G Rege Advocate for the Petitioners

Versus

U.O.I. & 2 o/s. Respondent

Mr. V S Masurkar Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Ms. Usha Savara, Member(A)

The Hon'ble Shri V. D. Deshmukh, Member (J).

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.

b. Lawrence
M(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

OA NO. 259/88

Shri KRISHNA ANANT LAD

APPLICANT

V/S

UNION OF INDIA & 2 ORS.

RESPONDENTS

CORAM: HON. MS. USHA SAVARA, MEMBER(A)
HON. SHRI V D DESHMUKH, MEMBER(J)

APPEARANCE:

Mr. V G Rege
Counsel
for the applicant

Mr. V S Masurkar
Counsel
for the respondents

JUDGMENT:

(Per: Ms. Usha Savara, Member[A])

DATED: 5.3.93

The applicant was employed as a casual labour for specific periods in I.N.S. Kunjali. By order dated 23.11.85 his services were terminated with effect from 14.9.85. The applicant has assailed this order of termination as well as order dated 22.9.88 by which his appeal for reinstatement was rejected. The applicant has prayed for declaring that termination order was illegal and a direction that the respondents reinstate him with full back wages.

2. The applicant's case is that due to ill health, he was unable to attend to his duties. He had been under medical treatment from 1984 onwards, but it was only in 1985 that his illness was diagnosed as T.B. and Asthama. Though he was absent continuously from 14.9.85, he neither sent a leave application nor a medical certificate. The respondents issued memos to him to rejoin duty and he informed them only on 18.11.85 that he was still suffering from an attack of Asthama and T.B., and was under treatment at Sion Hospital and would produce the medical certificate when he reported for duty. He was terminated on 23.11.85. His appeal for

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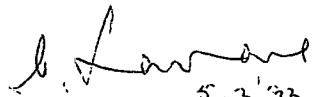
reinstatement was also rejected as having been made late and having no substance.

3. Shri V G Rege, learned counsel, for the applicant submitted that the applicant would be satisfied if a direction is given to the respondents to give him a fresh appointment as casual labour. Keeping in view the fact that the applicant has suffered untold hardships due to his severe illness, ~~We~~ are of the view that a compassionate and merciful view should be taken in this case.

4. We, therefore, direct the respondents to give a fresh appointment to the applicant as casual labourer within a period of two months from the receipt of a copy of this order. Since this is a fresh appointment, the applicant is not entitled to any back wages. The OA is disposed of in the above lines, but there will be no order as to costs.



(V D Deshmukh)
Member (J)



5.3.73.
(Ms. Usha Savara)
Member(A)