

(5)

CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 780/88

~~XXXXXXXXXX~~

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DATE OF DECISION 2.5.1991

Balu Annapa Patil Petitioner

None for the applicant Advocate for the Petitioner(s)

Versus

The Sub-Divisional Officer, Respondent
Phones(Dept.of Telecom) & others

Mr.S.R.Atre Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. U.C. SRIVASTAVA, Vice-Chairman

The Hon'ble Mr. M.Y. PRIOLKAR, Member (A)

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 ?

U.C. Srivastava

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
NEW BOMBAY

ORIGINAL APPLICATION NO. 780/88

SHRI BALU ANNAPA PATIL
C/o Narayan Joshi,
Gujarathi Niwas,
M.H.No.511, Raviwar Peth,
NASIK.

... Applicant

Vs.

1. The Sub-Divisional Officer,
Phones (Dept of Telecom)
Nasik, 422002
2. The Telecom Dist. Engineer,
Nasik, Dist. Nasik.
3. The Directorage General
Department of Telecommunication,
New Delhi.
4. The Secretary,
Min. of Telecommunication,
New Delhi.

.... Respondents

CORAM : HON'BLE SHRI U.C. SRIVASTAVA, Vice-Chairman
HON'BLE SHRI M.Y. PRIOLKAR, MEMBER (A)

Appearances:

None for the applicant

Mr. S.R. Atre, Adv,
(for Mr. P.M. Pradhan)
Adv. for the respondents.

ORAL JUDGMENT
(PER : U.C. SRIVASTAVA, Vice-Chairman)

DATED: 2.5.1991


The applicant who was working as a casual labour
in Nasik Phones Sub-Division from 1.4.1985 to 10.6.1987
without break has approached this Tribunal against his

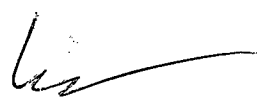
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termination communicated to him vide notice dated 18.6.1987. According to the applicant his termination order was passed in view of the fact that employment card has been invalidated by the authorities. He made various efforts to get back his service. Be he failed in the same. He gave legal notice. Thereafter he approached this Tribunal.

2. In the written statement it was pleaded that the work is of casual nature and although the applicant was continued until work was available, now because the work had come to an end, the applicant's services had necessarily to be dispensed with, as department did not have the work for him. The applicant has become overaged but he could have claimed benefit under Industrial Disputes Act which was not given to him.
3. It is difficult to accept that the nature of the work which he was doing or which he could do is not likely to be available with the respondents even in the near future. Accordingly, we allow the application to the extent that the respondents are directed to take back the applicant in the service when work becomes available, giving priority and preference to the applicant over newcomers without rejecting his name only on the ground that he has become overaged. Respondents are directed that let an appointment be given to the applicant as far as possible within a period of threemonths of the work becoming available and it may be treated as a fresh appointment.
4. There will be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


(U.C. SRIVASTAVA)
VICE-CHAIRMAN