

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, CAMP AT NAGPUR.

ORIGINAL APPLICATION NO. 922/1989.

P.G. Borkar,  
Jaibhim Nagar,  
New Babulkheda,  
Nagpur.

.. Applicant.

V/s.

1. Department of Atomic Energy,  
Atomic Mineral Division,  
Civil Lines, Nagpur  
through its Regional Director  
(Western Circle).
2. Department of Atomic Energy  
Telangadi, Civil Lines,  
Nagpur through its  
Regional Director (Western),  
Region-1, Nagpur.
3. Department of Atomic Energy,  
Ghat Road: Nagpur through its  
Stores Officer.

.. Respondents.

Coram : Hon'ble Shri Justice U.C. Srivastava, Vice Chairman.  
Hon'ble Shri P.S. Chaudhuri, Member (A).

Appearance:

Mr.J.L. Bhoot, Advocate  
for the applicant.

Mr.Ramesh Darda, Counsel  
for the Respondents.

ORAL JUDGMENT

DATED: 12.7.1991.

[ PER : Hon'ble Shri U.C. Srivastava, Vice Chairman ]

In 1977 the applicant, who has passed 8th standard, was orally appointed as Labour in the Atomic Energy Department at Nagpur. He continued to work there upto 27.10.1988 when his services were orally terminated without assigning any reason. The applicant was on leave from 10.10.1988 to 26.10.1988 and he states that there is no practice of submitting application hence, as usual, he informed the Stores Officer orally about his leave. When he came to resume his duties on expiry of leave he was told that his services have been terminated and he will not be allowed to work. Thus according to the applicant the only reason appears to be that he has absented himself from the duty and for that

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no explanation whatsoever was taken from him.

2. In the respondents' written reply they have stated that the applicant was only a casual labour engaged on day to day basis when occasion demanded and the wages were paid to him on the basis of the number of days put in. The Atomic Mineral Division is not an Industry. The day the applicant came back from leave he was orally informed that his services are no longer needed and no other reasons have been assigned. This itself indicates that it is as a result of annoyance because he absented himself for 15 days he was told that there is no work and his services were terminated. The oral orders of termination is not only punitive but also arbitrary and cannot be justified <sup>in</sup> the eye of law.

3. As we are allowing this application on this ground we do not propose to enter into the question as to whether the Atomic Mineral Division is an industry or not and the applicant is entitled to get the benefit.

4. The application is allowed. The oral termination order is quashed. The applicant shall be deemed to be in service but, however, he may not be paid the back wages. The applicant shall be reinstated in service forthwith and will be entitled for emoluments from Monday, the 15th July, 1991. Even if he is not reinstated by that date the respondents shall be liable to pay the wages to the applicant from 15.7.1991. There would be no order as to costs.

  
( P.S. CHAUDHURI )  
MEMBER(A).

  
( U.C. SRIVASTAVA )  
VICE CHAIRMAN.