

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 99/89
T.A. NO:

199

DATE OF DECISION 27.9.1991

Shri P.N.Yeole.

Petitioner

Shri S.R.Atre.

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri P.R.Pai.

Advocate for the Respondent(s)

CORAM:

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

The Hon'ble Mr. A.B.Gopthi, 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
(U.C.SRIVASTAVA)
VICE-CHAIRMAN.

mbm*

27.9.1991

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

Original Application No.99/89.

Shri P.N.Yeole.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Shri Justice U.C.Srivastava, Vice-Chairman,
Hon'ble Shri A.B.Gorthi, Member(A).

Appearances:

Applicant by Mr.S.R.Atre.
Respondents by Mr.P.R.Pai.

Oral Judgment:-

(Per Shri Justice U.C.Srivastava, Vice-Chairman) Dt. 27.9.1991

The applicant has approached the Tribunal with a prayer that a direction may be issued to the respondents to pay the amount of monthly rate of pay along with arrears and allowances to the applicant and direct the respondents to confirm him in service and be declared as permanent employee with all back wages.

2. He has come forward with this application that he was appointed as Casual Labour on daily rates by Catering Manager, Lalgaon w.e.f. 1st August, 1983 and discharged his duties w.e.f. that date and although he has passed Secondary School examination, as he could not get any job he accepted the job and he has been performing his duties since then and requested the authority several times to pay the amount by daily wages, but they have neglected to do so, although he was discharging duty of Khalasi from 1st August, 1983. The applicant had issued a legal notice and thereafter he has approached this Tribunal. The applicant has also filed a certificate issued by the Inspector which indicates that the applicant was in fact working in the year 1987 with the said Canteen but he was not paid any amount as he was not on the muster roll. The respondents in their written statement

have stated that the applicant was not working with the Canteen and the averments made by him is incorrect and so far as the certificate issued by the Asstt. Personnel Manager i.e. to the Inspector earlier he had no authority to issue such a certificate. On the previous date of hearing we had directed the respondents to file the documents and today they have filed an affidavit intimating that he was never appointed as Casual Labour on daily wages reiterating again what has been stated earlier, that the said Catering Manager had no authority to issue any such certificate. Obviously, Assistant Manager may not have any authority, but the said certificate at least indicates that the applicant in fact working in the year 1987. Today, learned counsel for the applicant produced before us photo stat copy of the pay sheets which indicates that the name of the applicant is also there in the pay sheets of July and March. He was also marked absent and present. As such it cannot be said that the applicant had nothing to do with the Canteen it may be he had been working in the Canteen may be only ~~on~~ ^{for} food but he was not getting any salary etc. and he has been working in the hope of getting a regular employment. The inclusion of his name in the pay sheet indicates that he was in employment and as to what happened to his salary is not known to the respondents. The denial by the respondents and their ~~action~~ which has been termed by ^{action} as explanation cannot be justified. The Canteen has been employing many Casual Labourers and we expect that without giving any other ~~course~~ ^{cause} of action to the applicant and without creating any other complication and controversy the respondents ^{will} to employ him as a Casual Labour

expeditiously, say within a period of two months. As the order is passed in presence of the counsels of both the parties it is not necessary that the two months should be counted from the date of communication of this order. It will be counted from to day. No order as to costs.

transcript

(A.B.GORTHI)
MEMBER(A)

U.C.SRIVASTAVA
(U.C.SRIVASTAVA)
VICE-CHAIRMAN.

B.S.M.