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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 682/91

Transfer Application No:

DATE OF DECISION 18.1.1995

Gulab Shankar (Pillani) Petitioner

Shri J.M.Tanpure Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri J.G.Sawant. Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,

The Hon'ble Shri P.P.Srivastava, 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?

(M.S.DESHPANDE)
VICE-CHAIRMAN

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, BOMBAY.

Original Application No.682/91.

Gulab Shankar (Pillani). ... Applicant.

V/s.

Union of India & Ors. ... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande,
 Vice-Chairman,
 Hon'ble Shri P.P.Srivastava, Member(A).

Appearances:-

Applicant by Shri J.M.Tanpure.
 Respondents by Shri J.G.Sawant.

Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 18.1.1995.

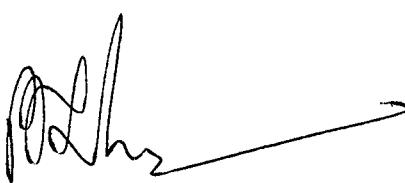
The applicant Gulab Shankar Pillani has approached the Tribunal urging that he had been engaged as a daily rated casual labour in 1980-81 and as a monthly rated worker in 1985-86 and 1986-88. According to him his services were terminated without holding any inquiry and he is entitled to be reinstated. The Respondents contention is that the applicant had worked in a false name Gulab Vithal who held the Service Card No.235387 and Gulab Vithal had worked from 4.2.1980 to 18.8.1980 since the applicant produced an affidavit on 25.9.1986 stating that his original name was Gulab Shankar and he got his name entered as Gulab Vithal. He was served a notice on 19.2.1988 to explain within 15 days his innocence which he did not do and so he was removed from service from 7.3.1988 and he worked as monthly rated casual labour from 19.1.1985 to 19.2.1988 drawing wages as Gulab Shankar Pillani.

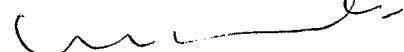
2. On earlier occasions the Respondents were directed to produce the record relating to the

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applicant and the record was produced only to day. The learned counsel for the Respondents stated that the Respondents ~~have~~ served on 19.2.1988 with a notice, but the applicant's acknowledgement had not been obtained. We find that the applicant had been agitating his grievance by making the representations on 12.12.1989 to the Prime Minister, but that remained unanswered and so the applicant resorted to the notice dt. 18.12.1990 through an advocate. Whatever may be the grievance of the applicant, it is apparent that the applicant had not made a representation to the proper authority. The applicant has also applied for condonation of delay. Clearly the applicant was only a monthly rated casual labour and had no right to the post as such. After hearing the learned counsel, we find that the only proper course considering the manner in which the applicant had served the respondents and came to be removed would be to direct the Respondents to re-employ the applicant as a monthly rated casual labour within one month from the date of receipt of a copy of this order without any back wages or continuity in service. With this direction the O.A. is disposed of.


(P.P. SRIVASTAVA)
MEMBER (A)


(M.S. DESHPANDE)
VICE-CHAIRMAN

B.

(14)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

Review Petition No.45/95

in O.A.682/91.

Gulab Shankar (Pillani)

... Applicant

V/s.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Shri Justice M.S.Deshpande,
Vice Chairman.

Hon'ble Shri P.P.Srivastava, Member(A).

Appearances:-

Applicant by Shri J.M.Tanpure.

Respondents by Shri J.G.Sawant.

Tribunal's Order.

Dated : 25-5-95

¶ Per Shri P.P.Srivastava, Member(A). ¶

This Review Application has been made against the judgement delivered on 18/1/95 in the OA.No.682/91. No new facts have been brought out by the applicant in the review application. The Applicant has also not brought out any error which might have occurred in the OA on the face of records.

We do not see any merit in the Review Application, and the same is dismissed in limine.


(P.P.SRIVASTAVA)
MEMBER(A)


(M.S.DESHPANDE)
VICE CHAIRMAN

abp.