

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R.

O.A. NO. 1083/92

Date of decision: 8.11.93

BABU KHAN

: Applicant.

VERSUS

UNION OF INDIA & ORS

: Respondents.

Mr. B.M. Singh

: Counsel for the applicant.

None present on behalf of the respondents.

CORAM:

HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN

HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the applicant.

2. The applicant has tried to show vide Annexure A-1 dated 27.2.87, a letter issued by the Divisional Engineer Telecom, Railway Electrification Project, Sawai Madhopur, that he has worked for about 270 days from November, 85 to October, 86. It was also submitted that thereafter, he was allowed to work on the dates/mentioned in the muster rolls. The applicant has come with a case that his junior has been appointed in his place.

3. He has given the names of the persons who have been appointed in the rejoinder without amending the petition, that cannot be entertained.

4. In this case, in which, *prima facie*, the applicant persists in showing that he was a workman and no junior person should be given an appointment and if the appointments are given, then those appointments may be against the law. However, in the application, no name has been shown so that the respondents could controvert this fact.

5. In the light of the above observations, we hereby accept the O.A. in part and direct that the benefit of S.25H of the I.D. Act should be extended in favour of the applicant and any person who has not worked prior to Nov '85 should not be appointed without considering the case of the applicant U/S 25-H of the Industrial Disputes Act.

6. The O.A. is disposed of accordingly, with no order as to costs.

(O.P. SHARMA)
Administrative Member

(D.L. MEHTA)
Vice-Chairman