

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 27.9.2000

OA 327/96

Laxman Singh s/o Shri Abhay Singh r/o Rampur Kishanpur,
District Panch Mahal, ~~Gujarat~~ Gujarat.

... Applicant

v/s.

1. General Manager, W/Rly, Churchgate, Bombay.
2. Permanent Way Inspector, W/Rly, Alwar.
3. Asstt. Engineer (TT), W/Rly, Ratlam.

... Respondents

CORAM:

HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER

HON'BLE MR. N. P. NAWANI, ADMINISTRATIVE MEMBER

For the Applicant ... None

For the Respondents ... Mr. R. G. Gupta

O R D E R

PER HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicant makes a prayer to direct the respondents to keep the applicant on his previous post and allow him to work regularly. Further direction is sought to direct the respondents to issue appointment letter to the applicant.

2. The facts of the case, as stated by the applicant, are that the applicant was engaged as casual labour in



Survey Department in the year 1983 and after three years in 1986 he was sent to Ratlam and in the year 1993 the applicant was sent to Jaipur to discharge his duties. From Jaipur, the applicant was sent to Alwar, where he worked under the Chief Personnel Manager (Survey & Construction). From Alwar, the applicant was sent to Kherthal. It is stated that in the month of November, 1993 the applicant moved an application to grant him leave due to the sickness of his father. Thereafter, he went to his village where his father expired. Thereafter, his younger brother and grandmother also expired. It is stated that due to this shock the applicant was unable to join his duties. The applicant approached respondent No.2 in the year 1996 but respondent No.2 refused to allow the applicant to join his duty. Therefore, the applicant filed this OA for the relief as mentioned above.

3. Reply was filed. In the reply it is stated that the applicant was working under PWI, Kherthal, in the month of November, 1993 and a leave was sanctioned by the IOW to the applicant for 10 days. Thereafter, the respondents did not receive any information regarding the extension of his leave etc. and the applicant did not turn up continuously for a period around two to three years.

4. Heard the learned counsel for the respondents. The learned counsel for the applicant is not present at the time

S. A. J.

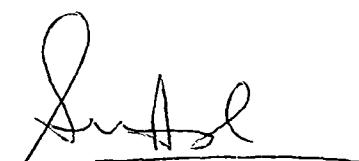
of hearing although it was made categorically clear on the last date i.e. 21.8.2000 that if none will appear for the parties on the next date, appropriate orders shall be passed.

5. On perusal of the whole case file it appears that the applicant was only a casual labour having no temporary status. It also appears that after getting sanctioned 10 days leave, the applicant remained continuously absent for a ~~pxekki~~ pretty long period i.e. two to three years without any intimation to the concerned department. Therefore, not allowing the applicant on duty because of his long unexplained absence is not improper and ~~xxxt~~ no arbitrariness could be imputed against the respondents.

6. In view of above all, we are of the concerned opinion that the applicant has no case for interference by this Tribunal. However, this order shall not preclude the respondents to re-engage the applicant as casual labour whenever the work is available with the respondents. No order as to costs.



(N.P.NAWANI)
MEMBER (A)



(S.K.AGARWAL)
MEMBER (J)