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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 05.10.1999

OA 25/99

Ramji Lal, ISM in the office D.E. Telecom Project, Deptt. of Telecom, Jaipur.

... Applicant

Versus

1. Union of India through the Secretary, Deptt. of Telecommunication, Sanchar Bhawan, 20-Ashoka Road, New Delhi.
2. Chief General Manager (N/Zone), Telecom Project, Deptt. of Telecom, Eastern Court Complex, Jan Path, New Delhi.
3. General Manager, Northern Telecom Project Circle, Deptt. of Telecom, Eastern Court, Jan Path, New Delhi.
4. Director Telecom Project (N/Zone), Deptt. of Telecom, 4th Floor, Amenity Block, GMID Complex, M.I. Road, Jaipur.
5. Divisional Engineer, Telecom Project (N/Zone), Deptt. of Telecom, S-6, Ajay Sadan, Hawa Sarak, Jaipur.
6. SDE, Telecom Project (N/Zone), S-6, Ajay Sadan, Hawa Sarak, Jaipur.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

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

For the Applicant

... Mr. Shiv Kumar

For Respondent No. 4

... Mr. S. S. Hasan

For respondents No. 1 to 3  
Engineer,

... Mr. V. D. Sharma, Assistant

departmental representative

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN


Applicant, Ramji Lal, in this application under Section 19 of the Administrative Tribunals Act, 1985, has mainly challenged the impugned order, at Annexure A-1, dated 25.6.98, by which he was not taken on duty as Temporary Status Mazdoor in the office of the Divisional Engineer, Telecom Project, Jaipur.

2. We have heard the learned counsel for the applicant, Shri V. D. Sharma, Assistant Engineer, departmental representative for respondents No. 1 to 3 and Shri S. S. Hasan, counsel for respondent No. 4. Parties have agreed to this matter being disposed of at the stage of admission.

C. K. Sharma

3. The applicant was serving as a daily rated Mazdoor in the office of respondent No.5 when he had fallen sick. He remained sick from 10.1.97 to 19.1.98 and from 20.1.98 to 17.2.98. On becoming fit, he gave his joining report on 18.2.98 but in fact he was not taken on duty, whereafter he made representations which evoked no response. His grievance is that he is ready to work and he has offered himself for work but the respondents are not taking him on duty. The respondents have stated in the reply that the medical certificate for the period from 20.1.98 to 17.2.98 with fitness was submitted by the applicant on 18.2.98 but for the period from 10.1.97 to 19.1.98 the medical certificate was submitted by him on 24.7.98 vide Annexure R-2. Since the period of absence was more than one year, the case was referred to the higher authorities for necessary permission by respondent No.5. It is noteworthy that respondent No.5 has recommended to respondent No.4 vide letter dated 28.7.98, at Annexure A-6, for considering the case of the applicant sympathetically and for taking him on duty.

4. In the circumstances, the present OA is disposed of with a direction to the respondents to take the applicant on duty as a Temporary Status Mazdoor in the office of respondent No.5 and the applicant is directed to present himself in the aforesaid office within a week. The respondents are free to take any appropriate action in regard to the period of applicant's absence from duty. No order as to costs.

  
(N.P.NAWANI)  
ADM.MEMBER

  
(GOPAL KRISHNA)  
VICE CHAIRMAN

  
VK