

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 24/10/2001

OA 409/2000

Shakra son of Harji Gangman, PWI Construction, Bandikui r/o Ablod Post Office Ablod, District Dahod (Gujarat), presently residing in Loco Colony, Western Railway, Jaipur.

... Applicant

v/s

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Chief Project Manager, Western Railway, Construction Department, in front of Divisional Railway Hospital, Western Railway, Jaipur.
3. Dy. Chief Engineer, Western Railway, Construction, in front of Divisional Railway Hospital, Jaipur.

... Respondents

CORAM:

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

HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.Nand Kishore

For the Respondents ... Mr.S.S.Hasan

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADMINISTRATIVE MEMBER

The applicant, while working as temporary status casual labour, proceeded on leave w.e.f. 1.8.94, which had been sanctioned upto 28.8.94, and after that he remained absent for almost six years. His grievance is that he is now available for duty but he is not being allowed to join. By filing this application, he seeks prayer to the respondents to permit him to join duty.

2. The respondents have stated that three casual labourers, including the applicant, were transferred to Dy.CE (C), Ajmer, w.e.f. 7.12.94 and all these persons were relieved to join at Ajmer. The applicant appeared only now after absence of a number of years and he has only to go and join at Ajmer.

3. When the matter came up for arguments, it transpired that the office of Dy.CE (C), Ajmer, now does not exist. It is obvious, unless the applicant is advised as to where he has to join, there can be no way for any subordinate authority to permit him to join. At the time, the applicant proceeded on leave in 1996, he was working under Dy.CE (C), Jaipur. While it is a fact that the applicant has not displayed any responsible conduct by remaining absent for such a long time, the respondents have been equally negligent in not taking any action against the applicant during this long interval. The law on the point of abandonment of service on the part of a casual labour is clear. Unless action is taken under the rules, the department cannot be permitted to take a permission that the applicant is no more in service. In the instant case before us, the respondents have only taken a plea that the applicant has to join at Ajmer but for any explicable reason no authority is prepared to formally direct the applicant or to nominate a unit where the applicant should go and report.

4. Under the circumstances, we consider it appropriate to direct the applicant to make a request to respondent No.2 i.e. Chief Project Manager, Jaipur, within two weeks from the date of receipt of this order. Respondent No.2 shall take a decision on the request of the applicant within two weeks thereafter. Our direction do not preclude

any departmental action which respondent No.2 may like to take against the applicant for prolonged unauthorised absence.

5. The OA stands disposed of accordingly with no order as to costs.

Champ
(A.P.NAGRATH)

MEMBER (A)

S.K.Agarwal
(S.K.AGARWAL)

MEMBER (J)