

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.55/2006 with MA No.35/2006.

Jaipur, this the 21st day of November, 2006.

CORAM : Hon'ble Mr. M. L. Chauhan, Judicial Member.
Hon'ble Mr. J. P. Shukla, Administrative Member.

Lakhi Ram
S/o Shri Shiv Narain,
Aged about 41 years,
R/o Village and P.O. Muradpur,
Via Singhana, District Jhunjhunu
Rajasthan.

... Applicant.

By Advocate : Shri Sikander Parihar proxy counsel for
Shri M. K. Sharma.

Vs.

1. Union of India through
Director General, Geological Survey of India,
Kokattra, Chourangi Lane, 29,
Jawahar Lal Nehru Road,
Kolkata-16.
2. The Director through,
D.D.G. West Zone, Geological Survey of India,
15, 16, Jhalana Doongari Campus,
Jaipur 302004.

... Respondents.

: O R D E R (ORAL) :

The applicant was an unskilled labour. It is alleged that he was engaged in the year 1977 in the department of Geological Survey of India, Jaipur. It is further alleged that an FIR No.945/81 in criminal case No.611/1998, was registered against the applicant and the applicant was kept in police custody for two days. Thereafter, the respondents did not engage the applicant

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in duty w.e.f. 1.7.1981. It is further submitted that the applicant was acquitted in criminal case on 16.10.2002 and thereafter the applicant approached the respondents and requested them to reinstate him in service.

2. The grievance of the applicant is that despite repeated representations made in that behalf, the respondents have not engaged him till date. As such, he has filed this OA thereby praying that the direction may be given to the respondents to re-engage him and order of termination of the applicant may be quashed.

3. We have heard the Learned Counsel for the applicant at admission stage.

4. We are of the view that the present OA is not a proper remedy. Admittedly, the applicant was a casual labour who was engaged on day to day basis. He has not been engaged since 1981 when the applicant was detained in police custody. In case the applicant was aggrieved, he would have agitated the matter at that stage. Further, we are of the view that in case the service of the applicant has been wrongly terminated or he has been discharged in violation of the labour laws it was open for him to approach the appropriate forum for the violation of the provisions of Industrial Tribunal Act and certainly the OA is not a remedy. Accordingly, the

claim of the applicant cannot be entertained at this stage and the OA being bereft of merit is accordingly dismissed at admission stage.

5. In view of the order passed in OA, no order is required to be passed in MA, filed for condonation of delay, which stands disposed of accordingly.

Praveen
(J. P. SHUKLA)
ADMINISTRATIVE MEMBER

Om
(M. L. CHAUHAN)
JUDICIAL MEMBER

P.C.