



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 1653/93

Date of decision: 20.8.1993

Shri Mohd. Umar Bhisti ... Petitioner

vs.

Union of India through
Secretary,
Ministry of Health,
New Delhi & ors. ... Respondents

For the petitioner .. Dr.S.P.Sharma,Counsel.

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUDIYAL, MEMBER (A)

JUDGEMENT(ORAL)

(By Hon'ble Mr. Justice S.K.
Dhaon, Vice Chairman)

The allegations are these. The petitioner was appointed as Water-carrier on daily wages in an E.S.I.Dispensary with effect from 23.5.1989 and he continued in that employment till 27.1.1990. He put in total service of 248 days. His services were terminated without following the procedure by an oral order. He has, therefore, approached this Tribunal by means of this OA.

2. On a perusal of the relevant papers filed in support of the OA, it appears that the petitioner took the stand that he was a workman and the E.S.I.Hospital was an industry within the meaning of Industrial Disputes Act, 1947. In fact,he had filed an application invoking Section 2-A of the Industrial Disputes

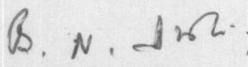
3

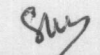
3

Act, 1947. The order passed by the Assistant Labour Commissioner on 30.4.1993, a true copy of which has been filed as Annexure A-10 to the OA, indicates that the petitioner withdrew the application.

2. If the petitioner is asserting his right as a workman within the meaning of Industrial Disputes Act, 1947, this is not an appropriate forum to ventilate his grievance. The petitioner cannot get any relief from this Tribunal as, according to his own case, he has not put in 240 days or 206 days', as the case may be, in two consecutive years. The requirement is that he should have put in either 240 days or 206 days' service, as the case may be, in each year.

3. In these circumstances, we are unable to grant any relief to the petitioner. We, however, make it clear that it will be open to him to seek his remedy under the Industrial Disputes Act, 1947. The OA is dismissed summarily.


(B.N. DHOUNDIYAL)
MEMBER(A)


(S.K. DHAON)
VICE-CHAIRMAN(J)

SNS