

127

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Review Application No.17 of 1987

IN

Registration No. 713 of 1987(T)

(W.P. No.7586 of 1985)

Jagdish Prasad & Others Petitioners

Versus

Union of India & Another Respondents

Connected with

Registration T.A.No.261 of 1987

(W.P.No.10463 of 1985)

Nawab Singh & Others Petitioners

Versus

Union of India & Another Respondents

Hon.S.Zaheer Hasan, V.C.

Hon. Ajay Johri, A.M.

(By Hon.S.Zaheer Hasan, V.C.)

This is an application for review of our judgement dated 23.10.1987. In Writ Petition Nos. 7586 of 1985 and 10463 of 1985 the petitioners have challenged the retrenchment notice, under Section 25-N of the Industrial Disputes Act, dated 10.7.85. These writ petitions were transferred to this Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. On 25.8.87 we directed the Ministry of Labour to dispose of the application. The Ministry heard the parties and rejected the application. They refused permission for retrenchment vide their letter dated 7.10.1987. An agreement was reached between the

- 2 -

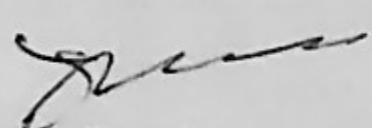
parties and on that basis the letter dated 7.10.1987 was written. On the basis of this letter it was ordered by us on 23.10.1987 that the petitioners may now be provided same relief as under the terms of this letter dated 7.10.1987. This application has been filed for review of our judgement dated 23.10.1987. The only point pressed before us was that this judgement was passed on 23.10.1987 and on 15.9.1987 Narora Atomic Power Project was brought under Corporation i.e. Nuclear Power Corporation of India Limited and as such the petitioners ceased to be Central Govt. employees and this Tribunal had no jurisdiction to decide these writs on 23.10.1987. The petitioners were the employees of Narora Atomic Power Project and as such they were employees of Central Government. These writ petitions pending before the High Court were transferred to this Tribunal on the ground that the petitioners were the employees of the Central Government. The Govt. of India vide their Office Memorandum dated 4.9.1987 (Annexure-III of the Counter Affidavit) prescribed the terms and conditions regarding personnel borne on the strength of Nuclear Power Board and the Atomic Power Projects and Atomic Power Stations under its control on deputation to Nuclear Power Corporation of India Limited then under formation. In this Office Memorandum dated 4.9.1987 it was provided that the staff placed on deputation on foreign service terms

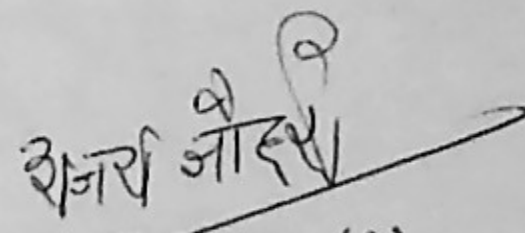
M

13/3

- 3 -

to the Corporation will continue to be "Government Servants". They have yet to exercise option. From the aforesaid memorandum it is abundantly clear that the employees of Narora Atomic Power Project including the petitioners continue to enjoy the status of Central Government servants and therefore continue to be under the jurisdiction of this Tribunal. They will be treated as on deputation. So it cannot be said that simply on formation of this corporation the petitioners ceased to be Central Government servant. So this Tribunal had jurisdiction to decide these writs on 23.10.1987 inspite of the fact that the Corporation came into existence on 15.9.1987. No other point was pressed before us. There is no good ground to review our order. The application for review is rejected.


Vice Chairman


Member (A)

Dated the 17th Dec., 1987

RKM