

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.Dated : This the 06th day of MAY 2002Original Application no. 1783 of 1993.Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Mr. S. Dayal, Member (A).Lal Man Ram, S/o Sri Kanhai Ram,
R/o Vill and Post Marui, Distt. Varanasi.

... Applicant

By Adv : Sri B.N. Singh

Versus

1. Union of India, through Secretary,
Ministry of Information & Broadcast Casting,
Govt. of India, New Delhi.
2. Station Director, All India Radio, Varanasi.

... Respondents

By Adv : Sri V. Gulati

O R D E RHon'ble Mr. Justice R.R.K. Trivedi, VC.

By this OA filed under section 19 of A.T. Act, 1985, the applicant has prayed for a direction to the respondents to take back him in service and pay salary and other benefits w.e.f. 15.6.1990 till the date of reinstatement. It has also been prayed that the direction may be given to respondents to appoint the applicant in Group 'D' post in view of the various Govt. orders with all consequential benefits.

2. The facts of the case are that the applicant was engaged as casual labour/beldar on 10.10.1980 by Installation Officer, All India Radio (in short AIR), Varanasi. He continuously worked till 15.5.1982. Reliance has been placed on certificate filed as Annexure A-1. Then in broken spells the applicant worked upto 15.6.1990. Thereafter, the applicant



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was not allowed to work and he was disengaged without paying any retrenchment compensation and notice as provided under section 25 F of the Industrial Dispute Act (in short ID Act). This dispute was pending before the conciliation officer, but when he did not succeed in the matter, he sent it to Central Govt. for making reference under the ID Act, to Industrial Tribunal. The Central Govt., however, by order dated 8.9.1993 took a stand that as the question as to whether Akashwani is an industry, is in dispute and pending before the Hon'ble Supreme Court in SLP no. 3161/87 arising out of judgment of Hon'ble M.P. High Court, no action is taken in the matter. Copy of the order has been filed as Annexure 10. Then applicant filed this OA no 25.11.1993 challenging termination order dated 15.6.1990 on various grounds based on the provision contained in ID Act, 1947.

3. There is no dispute that legal position now stands settled by Judgment of Hon'ble Supreme Court that the Akashwani and Doordarshan both are industries. Reference may be given to judgment in case of AIR Vs. Sri Santosh Kumar and others 1998 LLR 199. As the legal position is now settled, in our opinion the matter requires reconsideration by the Central Govt., as the dispute raised by the applicant can be more appropriately and effectively decided by Industrial Tribunal.

4. The learned counsel for the applicant ~~though~~ submitted that it is a case of continuous cause of action and the applicant is entitled for the relief by this Tribunal and there is no justification for relegating the applicant to get remedy under ID Act, after such a long time. We have considered the submission of learned counsel for the applicant. However, ^{recurring cause of} we do not agree that it is a case of action, as the applicant

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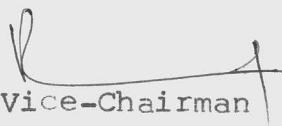
was disengaged on a definite date mentioned by him ie 15.6.1990, without observing the provision of ID Act, ^{Cause of action had} arisen on that date, and limitation started running. ~~had~~

5. For the reasons stated above, this OA is disposed of finally with the liberty to the applicant to make application before respondent no. 1 and request him to make reference under section 10 of ID Act, 1947. If such a request is made it shall be considered and decided within 3 months from the date copy of this order is filed.

6. There shall be no order as to costs.



Member (A)



Vice-Chairman

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