

0.A./586/87

CORAM : Hon'ble Mr. P.H. Trivedi ... Vice Chairman

Hon'ble Mr. P.M. Joshi ... Judicial Member

23/11/1987

Mr. Y.N. Oza learned advocate for the applicant and Mr. J.D. Ajmera for the respondents present. Pending admission, issue notice on the respondent. The case be adjourned to 26th November, 1987 for admission. Mr. Ajmera waives notice for respondent No. 1.

Pravin
(P H Trivedi)
Vice Chairman

JM
(P M Joshi)
Judicial Member

*Mogera

Coram : Hon'ble Mr. P.H. Trivedi : Vice Chairman

Hon'ble Mr. P.M. Joshi : Judicial Member

26.11.1987

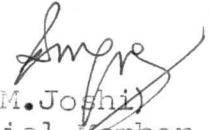
Heard learned advocates Mr.R.J.Oza for Mr.Y.N.Oza and Mr.J.D.Ajmera for the applicants and the respondents. Mr.Ajmera files his reply. Be taken on record. Mr.Oza states that the applicants have been appointed for long periods and work has been taken for the posts higher than those in which they have been appointed and they are now sought to be terminated without giving any notice under Section 25 of the Industrial Dispute Act. Although no judgments of the Courts ~~here~~ can be cited for showing that Doordarshan is an industry, since Doordarshan performs functions which are of a commercial nature and since it does not have sovereign functions of the State it should be properly regarded as an industry and the applicants enjoy the status of workers and should be protected from termination without notice or compensation in lieu thereof. Learned advocate for the respondents states that there is no basis for regarding Doordarshan as an industry and the appointment has been made in terms as an adhoc and is sought to be terminated because persons who have ^a superior claim are available on reversion to it. After hearing the learned advocates we are not satisfied that Doordarshan has the status of industry and accordingly benefit of Industrial Dispute Act is not applicable. The appointment order ~~clearly~~ state the period for which the appointments are made, and no notice for terminating fixed term appointments are necessary.

(2)

Mr.Oza learned advocate for the applicants requests that the impugned order of termination which are going to be effective on 30th November, 1987 be stayed as it is intended to file an application in the Supreme Court. It is not possible to give interim relief on matters which are decided not to be admitted.

Accordingly we do not see any merit in the admission of the application and summarily reject the same.


(P.H. Trivedi)
Vice Chairman


(P.M. Joshi)
Judicial Member

a.a.bhatt