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(No)

Termination
(Jud)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
~~XXXXXXXXXXXX~~

O.A. No. 737 OF 1988 ~~198~~
~~XXXXXXXX~~

DATE OF DECISION 21-6-1991

Motilal Prashanker Sevak & Ors. Petitioner^s

Mr. D.M. Thakkar, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent s

Mr.M.R.Raval for Mr.P.M.Raval, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M. Singh, Administrative Member.

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

1. Motilal Prashanker Sevak,
Kanakpur, S.O.Mothare,
Taluka : Abadasa,
Dist: Kutch.
2. Gaurishanker D. Sevak,
Hajapar B.O.,
Taluka : Abadasa,
District: Kutch.
3. Gaurishanker Dayashanker Gor,
Baramota, S.O. Tera,
District: Kutch.
4. Rameshchandra D. Pandit,
Kalatalav B.O.,
S.O. Tera,
District: Kutch.
5. Sureshchandra U. Thakar,
Khirsara (Vizana),
District: Kutch.
6. Champaklal Meghjibhai,
Gurjar, Raydhanjar
(Abadasa), S.O. Dumra,
District: Kutch.
7. Vinodray R. Vyas,
Vandu, S.O. Kothara,
District : Kutch.
8. Narayan D. Gadhvi,
Moti Sindholi, S.O.Jakhau,
District : Kutch.
9. Chunilal Punjabhai Parmar,
Rapar Gadhvali,
S.O.Kothare,
District : Kutch.
10. Sunderji N. Joisar,
Balapar, S.O. Bitta,
District : Kutch.
11. Raishi V. Harijan,
Sanosara, Abadasa,
District: Kutch.
12. Mohanlal Velji,
Aboti, Kanday,
Tal. Abadasa,
District : Kutch.
13. Vrijlal P. Upadhyay,
Godpar (Danhisara),
Taluka : Bhuj,
District: Kutch.
14. Manilal Valji Gor,
Balachod, S.O. Mothala,
District : Kutch.
15. Dhanji Premji Bhatiya,
Kodki, S.O. Manpura,
District: Kutch.

.... Applicants.

Versus.

M N Sun

1. Union of India,
(Notice to be served
upon the Post Master General,
Gujarat Circle,
having his office near
Income-tax Circle,
Ashram Road, Ahmedabad.)
2. The State of Gujarat.
(Notice to be served upon
the Secretary, Education and
Labour Department,
Sachivalaya, Gandhinagar.)
3. The Superintendent of Post
Offices, Kutch Division,
Bhuj.

..... Respondents.

Mr. D.M. Thakkar, learned counsel for the applicants.
Mr. M.R. Raval for Mr.P.M. Raval, learned counsel for
the respondents.

J U D G M E N T

O.A.NO. 737 OF 1988

Date: 21-6-1991

Per: Hon'ble Mr.M.M. Singh, Administrative Member.

The fifteen applicants who are working as primary teachers in the villages of which they were also appointed as Branch Postmasters have, in this joint application filed under section 19 of the Administrative Tribunals Act, 1985, questioned the legality and validity of the decision of the respondents to terminate their services as Branch Post Masters without giving any notice and without complying with the mandatory provisions of Section 25F of the Industrial Disputes Act in an arbitrary and illegal manner. It is averred in their application that in Original Applications No. 164/88, 181/88, 182/88 and 263/88 identical issues have been raised which applications were admitted by this Tribunal.

H. M. J.

..... 4/-

2. At the final hearing learned counsel Mr. D.M. Thakkar for the applicants and Mr. M.R. Raval for Mr. P.M. Raval, learned counsel for the respondents fairly submitted that original applications mentioned above have been decided by a common judgment of this Tribunal which, not been challenged in appeal, has become final and covers the present application also. They therefore submitted that the present application may be decided accordingly.

3. Original Applications No. 164,181, 182, 263, 321, 431, 483 and 489 of 1988 of Ahmedabad Bench were decided by common judgment dated 22.3.90. In these applications the applicants, as shown in the common judgment, were also village primary school teachers who were permitted to work as Branch Postmasters and were accordingly appointed as Extra-Departmental Branch Post Masters. Their services were terminated by the concerned Superintendent of Post Offices. After hearing the counsel, in the common detailed judgment it was held :

"Counsel of the respondents brought to our attention a recent decision of the High Court of Gujarat at Ahmedabad delivered on 16.1.90 in Letters Patent Appeal No. 222 of 1978. The identical issue came up for decision therein at the instance of some Extra-Departmental Branch Post Masters, similarly situate as these applicants. The Division Bench of the High Court was dealing with the appeal from the rejection of the petition by a Single Judge. The appeal was dismissed. We are in agreement with the reasonings and the conclusion arrived at therein, which reinforce the view that we have taken above.


It follows that there is no merit in these applications. They are accordingly dismissed."

M. M. *[Signature]*

4. The applicants in the application before us were also terminated for the identical reasons and in identical circumstances and facts. Hence the ratio in the above common judgment fully covers the case of the present applicants making the application ^{unalterable} ~~unvariable~~ and devoid of merits.

5. We therefore hold that there is no merit in the case of the applicants. The application is dismissed without any orders as to costs.


(R.C. BHATT)
Judicial Member


(M.M. SINGH)
Admn. Member