

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

No
CL
Termination

2

O.A. No. 299 and 300 of 1989
T.A. No.

DATE OF DECISION 19 - 10-1992

Shri Jayesh B. Modi Petitioner

Shri J. S. Yadav Advocate for the Petitioner(s)

Versus

Union of India and Ors. Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N .V. Krishnan

Vice Chairman

The Hon'ble Mr. R. C. Bhatt

Member (J)

63

1. Shri Jayesh Modi
140/1099, GHB,
Khokhara Mehamdabad
Ahmedabad 380 026

2. Shri R.J. Desai
Sharmajini Chali,
Power House,
Sabarmati Ahmedabad

Applicants in O.A.

300 and 299 respectively.

Advocate Shri J. S. Jadav

Versus

1. Administrative Officer II (Rmt),
Space Application Centre,
Jodhpur Tekra, Ahmedabad - 53

2. Union of India,
Union of India, Department of Space,
of Space Application Centre,
Ahmedabad.

3. Director,
ISRO,
Space Application Centre,
S.A.C P.O., Jodhpur Tekra
Ahmedabad 380 053

Respondents in O.A.

300 and 299 respectively.

Advocate Shri Akil Kureshi

ORAL JUDGEMENT

In

O.A. 299 and 300 of 1989

Dated 19-10-1992.

Per : Hon'ble Shri N.V. Krishnan)

Vice Chairman.

Shri J.S. Yadav for the applicant.

Shri Akil Kureshi advocate for the respondents.

0

These two applications are being disposed of together with the consent of the parties. The learned Counsel for the applicants submits that the grievance of the applicants in both these cases are similar. The applicants had worked ~~in both these cases~~ for sometime under the Indian Space Research Organisation (I.S.R.O) under orders which also indicate on what date their services will stand terminated. The applicants have opposed these orders of termination mainly on the ground that ISRO is an industry and the applicants are workman and that their termination is not made in accordance with principles of law, particularly the Industrial Dispute Act.

2. When the case came up for hearing, the learned Counsel for the respondents produced before us the decision of this Bench reported in Harshjit Thakkar Vs. Union of India and OAs 1990 LAB I.C. 154, in which this legal issue has been settled and held that the ISRO is not an industry. In this view of the matter, the learned Counsel for the applicant submits in fairness that the challenge to the impugned order is not maintainable and therefore, the applications are liable to be dismissed. However, he submits that the applicants should be permitted to make representations as they deem fit to the authorities concerned for reconsidering of their cases on sympathetic grounds.

12

(4)

3. We have heard ^{the parties} / and perused the judgement and in the light of the judgement these applications are only to be dismissed because the Industrial Dispute Act cannot come to the rescue of these applicants as ISRO is not an industry.

4. Therefore, these applications are dismissed, However we make it clear that this order will not stand in the way of the applicants in making any representation, if so advised, ^{by} the authorities concerned of the ISRO for the recon^{sider}ciliation of their cases on sympathetic grounds and in case any representation is made, it will be open to the concerned authorities to dispose ^{of} it, in accordance with law.

are

No order as to costs. Applications ~~is~~ dismissed.

Sd/-.
(R.C. Bhatt)
Member(J)

Sd/-.
(N.V. Krishnan)
Vice Chairman

*AS.