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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXX XXXXX~~

AHMEDABAD BENCH

O.A. No. 346 OF 1989
T.A. No.

DATE OF DECISION 30.8.1989.

Shri Solanki Manubhai Revabhai Petitioner

Shri R.V. Deshmukh Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. M. M. Singh Administrative 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*

(2)

Solanki Manubhai Revabhai,
421, Bhartiya Nagar,
Opp. Vivekanand Mills,
Rakhial Road, Ahmedabad.
(Advocate - Mr. R.V. Deshmukh)

.. Petitioner

Versus

1. Union of India,
Through,
Chief Engineer (Civil)
Civil Construction Wing of
All India Radio,
Lok Nayak Bhavan,
Khan Market, New Delhi.
2. Assistant Engineer (Civil),
Civil Construction Wing of
All India Radio,
Race Course Road,
Rajkot.
3. Executive Engineer (Civil)
Civil Construction Wing of
All India Radio,
T.V. Complex, Shamla Hill,
Bhopal.
4. Superintending Engineer,
Civil Construction Wing,
All India Radio,
Film Division Complex,
Peddar Road, Bombay.

.. Respondents

CORAM : Hon'ble Mr. P.M. Joshi .. Judicial Member
Hon'ble Mr. M.M. Singh .. Administrative Member

O R A L - O R D E R

O.A./346/89

30.8.1989.

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

The petitioner Shri Manubhai Revabhai Solanki,
working in Civil Construction Wing of Rajkot in
All India Radio, ^{at Rajkot, -} has filed this application, challenging
the oral order whereby his services are sought to be
terminated with effect from 31.7.1989. According to
him, he was initially appointed on 2.3.1985 as Clerk
Grade II, on temporary and ad hoc basis and ~~was~~ it was
stipulated that he would be replaced by Staff Selection


(3)

Committee candidate and accordingly, when such candidate was available, his services were terminated vide order dated 21.9.1985. It is submitted that he was again re-employed as a Muster Clerk on 4.1.1988 on daily wages of Rs. 46/- and thereafter his services have been terminated with effect from 31.7.1989. The petitioner has therefore, prayed that the impugned action of the respondents be quashed and set aside and his services be regularised as per the guidelines provided in Annexure A-7.

2. When the matter came up for admission, we have heard Mr. R.V. Deshmukh, the learned counsel for the petitioner at a considerable length. During the course of his arguments, he invited our attention to the instruction contained in Ministry of Home Affairs' letter dated 13.10.1983. According to him, the petitioner has worked for more than 400 days and looking to the nature of his services, he ~~may~~ is covered ^(b) under section 25 of the Industrial Disputes Act, 1947 and he is ready and willing to exhaust the remedy by approaching the Industrial Court or the Labour Court and if he is left with any grievance, ^{after the decision of such Court,} he will move this Tribunal. In view of the submission made by Mr. Deshmukh, we hereby direct the petitioner to exhaust the remedy by approaching the Industrial Tribunal or the Labour Court for redressal of his grievance.

Accordingly, the application stands disposed of with the aforesaid directions and the same is not admitted at this stage.

M M Singh
(M M Singh)
Administrative Member


(P M Joshi)
Judicial Member