

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

R.A.No. 12 OF 1994

in

O.A. NO. 514 OF 1989

~~T.A. NO.~~DATE OF DECISION 10-6-1994The Union of India & Ors.Petitioner s
(Orig. Respondents)Mr. Akil Kureshi,

Advocate for the Petitioner (s)

Versus

Shri Mohmad Husein Allubhai ZaloriRespondent
(Orig. Applicant)

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. V. Radhakrishnan, Admn. Member.

The Hon'ble ~~Mr.~~ Dr. R.K. Saxena, Judicial Member.**JUDGMENT**

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

1. The Union of India,
(through the Post Master General,
Gujarat Circle, Ashram Road,
Ahmedabad)
2. The Sr. Supdt. of Post Offices,
Mehsana Division,
Mehsana.
3. The Sub Post Master
Post Office,
Sidhpur.

..... Applicants.
(Orig. Respondents)

(Advocate: Mr. Akil Kureshi)

Versus.

Shri Mohmad Hussain Allubhai Zalori,
Navavas, Opp. Post Office,
Sidhpur 384 151.

..... Respondent
(Orig. Applicant)

Decision by circulation.

ORDER

R.A.No. 12 OF 1994
in
O.A.No. 514 OF 1989

Date: 10-6-1994.

Per: Hon'ble Mr. R.K. Saxena, Judicial Member.

This Review Application has been moved by
Union of India, Supdt. of Post Offices and Sub Postmaster,
who were the respondents in O.A. 514/89 ^{et} and Mohmad Hussain
Allubhai Zalori V/s. Union of India & Ors. and in which
judgment was delivered by the Tribunal on 9-6-1993. The
O.A. was decided in favour of the applicant because the
Post Offices was held an industry and the provisions of

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Industrial Disputes Act were found applicable.

Before the retrenchment of the applicant, the procedure mentioned under section 25F of Industrial Disputes Act was not followed and therefore, the order of termination was set aside.

2. By this review application the point raised is that Post Office~~s~~ is not an industry and therefore, the provisions of Industrial Disputes Act ~~was~~ ^{were} not applicable in the case of Mohmad Hussain Allubhai Zalori. This Tribunal has considered this aspect in several cases and it was ~~held~~ that Post Office~~s~~ is an Industry. In this connection, the ~~difference~~ ^{reference} may be ~~held~~ ^{had} to the decisions in the case R. Padmanabhan Nair V/s. Supdt. of Post Offices, 1993 SLR CAT Ernakulam Bench, 610, Ashok Kumar Sinha V/s. Union of India, 1989 Lab I C, page 617 based on the decision in Kunjan Bhaskaran & Ors. V/s. Divisional Office, Telegram 1983 Lab I C 135. This Bench also took the ~~view~~ ^{same} in M.A. Bukari V/s. Union of India & Ors. ATR 1989 (1) CAT 162 and Shailesh Kumar N. Patel V/s. Union of India, O.A.51/94 decided on 12.5.1993. As such it is established view that Post & Telegraph Department is an Industry and therefore, the provisions of I.D. Act are applicable. We do not see that the view which was

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earlier taken was erroneous and required reconsideration.

3. It may also be mentioned that the power of review is given under section 22 of the Central Administrative Tribunals Act, 1985 and it is also laid down under Rule 17 of Central Administrative Tribunal (Procedure) Rule 1987, that an application for review shall be filed within 30 days. As is pointed out earlier the judgment which is required to be reviewed, was delivered on 9.6.1993 whereas this application of review was moved on 31-3-1994. Thus there was delay ^{& for which justifiable reasons are not given.} of about 3 months. In this way also, the review application is not maintainable. [&] The M.A. 211/94 is also disposed of accordingly. [&]

ORDER

The Review Application is stands rejected.



(V. Radhakrishnan)
Member (A)



(Dr. R.K. Saxena)
Member (J)

vtc.