

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 276 OF 1990

~~TAXNOX~~

DATE OF DECISION 2-9-1994

Vaghadia Nagji Nanji & Others Petitioner

Mr. A.J. Shastri, Advocate for the Petitioner (s)

Versus

Union of India & Others Respondent

Mr. Akil Kureshi, Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. K. Ramamoorthy, 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. Vaghadia Nagji Manji
2. Vaghela Bhupat Bhana
3. Daki Hira Kana,
4. Baloch Nazir Yusub
5. Shantilal Parbat
6. Ramesh Purshottam

All C/o S.D.O.P.
Veraval

Applicants

Advocate Mr. A.J. Shastri

Versus

1. The Union of India,
(Notice to be served through
Divisional Engineer, Office of
Telephones, Junagadh).
2. S.D.O. (Phones)
Veraval, Dist. Junagadh.

Respondents.

Advocate Mr. Akil Kureshi

O R A L J U D G M E N T

In

O.A. 276 of 1990

Date: 2-9-1994

Per Hon'ble Dr. R.K. Saxena

Member (J)

This application has been filed by Serv. Shri Vaghadia Nagji Manji, Vaghela Bhupat Bhana, Daki Hira Kana Baloch Nazir Yusub, Shantilal Parbat, Ramesh Purshottam. The applicants are casual labourers working under the respondent No.2. According to their contention, they worked for more than 1400 days but they got information about their services being terminated. Therefore, they approached this Tribunal seeking

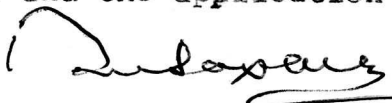
declaration that the intended action of the respondents is bad in law and therefore the same be quashed. Besides, they should be directed to be regularised.

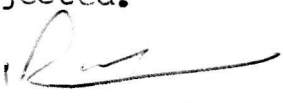
2. The respondents contested the case and it was averred that except the applicant No.5 other applicants had completed 240 days before filing this application. It is also averred that the applicants simply moved this application of apprehending removal.

3. We have heard the learned counsel for the applicants and the respondents.

4. Shri Akil Kureshi, learned counsel for the respondents made statement on bar that the applicants should not be removed from service unless the procedure laid down under the law, was followed. The learned counsel for the applicants stressed that their regularisation be made but in view of the law laid down by Hon'ble Supreme Court in the case Madhyamik Shiksha Parishad Vs. Anil Kumar Mishra, 1994 Lab I.C. 1197 (S.C), it cannot be acceded to because it has been held by the Hon'ble Supreme Court that the formula of 240 days is not meant for regularisation but is to see that retrenchment is not ordered without following the procedure.

5. In view of these facts, we do not find any merit in the case and the application is therefore rejected.


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


(K. Ramamoorthy)
Member (A)