

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 320 of 1990

~~TA NO.~~

DATE OF DECISION 19.08.1994.

Shri Varjāngbhai K.Vala Petitioner

Shri A.J.Shastri 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. K.Ramamoorthy : Member (A)

The Hon'ble ~~Mr~~ Dr. R.K.Saxena : Member (J)

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

Shri Varjangbhai K. Vala
Casual labourer (Watchman)
P & T Colony Veraval.

Applicant

Advocate Mr. A.J. Shastri

Versus

1. Union of India
Notice to be served through
The Telecom District Engineer,
Incharge of Junagadh District
Junagadh.
2. Sub-divisional Officer (Phones)
Veraval

Respondents.

Advocate Mr. Akil Kureshi

J U D G M E N T

In

Date: 19.08.1994.

O.A. 320/1990

Per Hon'ble Shri K. Ramamoorthy

Member (A)

The present application is against the notice of termination served on the applicant vide letter dated 30-6-1990. at Annexure A-1. The applicant had been employed as a casual labourer with the respondents Telecommunication Department, since 1984 and he was performing the duties of a watchman. He had been serving since 1984 continuously and he also completed 280 days in a year. He further stated the impugned action is arbitrary, capricious and violative of the provision of the Industrial Disputes Act on which ground he has said that the impugned order should be set aside. In reply, the respondents have

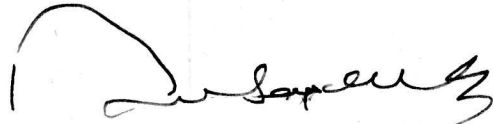
averred that the applicant was continued only on piece meal basis as casual labourer and did not fulfil the requirement of 240 days in the preceding year. According to the respondents, since there was no work available his services had been terminated after following due procedure of law such as issue of notice and payment of compensation etc. As an additional argument, the respondents have also raised the issue of the department not being an industry coming under the Industrial Disputes Act.

2. We have considered the avernments made. This Tribunal has held that the Telecom Department is an industry within the terms of Industrial Disputes Act, and therefore, the question of the Department not having to follow section 25 of the Industrial Disputes Act is not accepted. However, since there is a dispute regarding the number of days actually put in by the casual labourer and specifically since the applicant in his rejoinder has produced xerox copies of the identity card as well as the certificate regarding the number of days for which he had performed duty and for which he had been paid. On the other hand the respondents have also claimed that they have followed the provisions of the Industrial Disputes Act by issuing notice and also keeping the compensation cheque ready. In addition to the question of notice and compensation the matter also concerns the question of following the principlex of "last come first go."

3. Diverging contentions involve taking further evidence and assessment thereof. Agencies provided specifically under ~~the~~ Industrial Disputes Act would be a better forum for settling the dispute of this nature.

The Tribunal direct the applicant to approach that forum for redressing of the grievance of this nature under the Industrial Disputes Act.

In view of the above direction, the petition is dismissed. No order as to costs.



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



(K.Ramamoorthy)
Member (A)

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