

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

R.A. 45/95

in

O.A. NO. 26/91T.A. NO.DATE OF DECISION 23-11-1995Union of India and Others

Petitioner

Mr. Akil Kureshi

Advocate for the Petitioner (s)

Versus

Mr. Arvindkumar K. Patel

Respondent

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N.B. Patel

Vice Chairman.

The Hon'ble Mr. V. Radhakrishnan

Member (A)

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

Union of India
 Notice to be served
 through The Chief postmaster General
 Khanpur Ahmedabad.

2. The Assistant post Master
 (South Sub Division)
 Revdi Bazar Head post office,
 Ahmedabad 380 002

Applicants.

Advocate Mr. Akil Kureshi

Versus

Arvind Kumar K. patel
 607/3 Bakri pole
 Near Swaminarayan Temple,
 Kalupur, Ahmedabad.

Respondents.

Advocate

BY CIRCULATION

ORDER

In

Date: 23-11-1995

R.A. 45/95 in O.A. 26/1991

Per Hon'ble Shri N.B. patel

Vice Chairman.

By ^{our} ~~my~~ judgment dated 7-10-1994 in O.A. 26/91,
 we have struck down as illegal the oral termination of the applicant
 on the ground of being violative of the provision of Section 25 F
 of the Industrial Disputes Act. The department has filed this
 application for Review of the said judgment. The first ground on

..3..


which the Review is sought is that the present respondent was not an employee of the department but was engaged by the regular E.D.A. who was on deputation to the departmental post as substitute. On this basis, it is said that there was no question of the department terminating the employment of the present respondent i.e. the applicant of the original application. Such a contention was nowhere raised in the written reply filed by the applicant department in the O.A. On the contrary the reply filed ~~by~~ to the O.A. clearly tends to show that the respondent (original applicant) was engaged by the department and it is further stated that the termination of his employment was quite legal even though it was oral. This being the position, there is no question of review of our judgment on the ground that the original applicant was not employed by the department but was engaged by the regular E.D.A.


2. The second ground on which review is sought ~~is~~ is that the original applicant was engaged only for a fixed period and, therefore, the question of terminating his employment did not arise. This ground was also not raised in the reply and, what is more, the order by which the applicant was appointed was also not produced. We, therefore, decline to review our judgment on this ground also.

3. The third ground, namely, that the case of the original applicant was covered by section 2 (oo) (bb) of the Industrial Disputes Act was also not raised in the ~~reply~~ ^{reply} and, therefore, review cannot be asked for on that ground also.

4. The last ground on which review is sought is that the postal Department is not an "Industry" withⁱⁿ the meaning of that term as defined in the Industrial Disputes Act. This ground also was not raised in the reply and we may also point out that we have held in several cases that the postal Department is an "Industry" within the meaning of that term as defined in the Industrial Disputes Act. We do not see any reason to take a different view on this question because we find that the postal Department fulfills all the requirements of an establishment which would be covered by the definition of the term "Industry" as given in the Industrial Disputes Act.

5. Thus, we find no ground to review our judgment and reject the review application. It may be mentioned that, since there was delay in filing the review application, the department has also filed ~~the~~ application for condonation of delay. However, since we find that the review application is liable to be summarily rejected, we do not enter into the question whether delay is excusable in this case. We would only say that the M.A. does not survive.


(V. Radhakrishnan)
Member (A)


(N.B. Patel)
Vice Chairman.

*AS.

SERIAL NUMBER OF THE APPLICATION CA/ 71 195 WOA/26/91

I N D E X

SL.No.	Date of paper or date of filing.	Description of Paper	Part to which the paper belongs		Remarks
			Part	Page Nos.	
1	06-7-95	CCP	A	89	
			B	89	

O.A./T.A./M.A./R.A./C.A.No. CA/ 71 195 in CA/28/91

APPLICANT (S)

COUNSEL

VERSUS

RESPONDENT (S)

COUNSEL

DATE	OFFICE REPORT	ORDER
12/12/95	RPAD received	from RESP no: 1 (1)
20/12/95	RPAD received	from RESP no: 2 (1)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD

O.A./T.A./M.A./R.A./C.A.No. CA/ 71 /95 in OA/26/91

AK. Patel

APPLICANT (S)

Shri P.H. Pathak

COUNSEL

VERSUS

Uo/70085

RESPONDENT (S)

COUNSEL

DATE	OFFICE REPORT	ORDER

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

C.A.No. 71/95

in

O.A. NO. 26/91

~~EXXNO.~~DATE OF DECISION 15-2-1996Arvind K. Patel, PetitionerMr. P.H. Pathak, Advocate for the Petitioner (s)

Versus

Union of India & Ors. RespondentsMr. Akil Kureshi, Advocate for the Respondent (s)

CORAM

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

The Hon'ble Mr.

JUDGMENT

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Arvind K. Patel
607/3 Bakri pole
Near Swaminarayan Temple
Kalupur, Ahmedabad.

..... Applicant.

(Advocate: Mr. P.H. Pathak)

Versus

1. Shri Bhaskaran,
Chief postmaster General
Khanpur Ahmedabad.

2. Shri Vakharia
Asst. Supdt of post Offices (North)
South Sub Division
Revdi Bazar, Ahmedabad.

..... Respondents.

(Advocate: Mr. Akil Kureshi)

ORAL ORDER

C.A.No. 71 OF 1995


in

O.A.No. 26 OF 1991

Date: 15.2.1996.

Per; Hon'ble Mr. V. Radhakrishnan, Admn. Member.

Mr. Akil Kureshi states that the payment order of the backwages amount Rs. 39,373 has been despatched to the applicant and as such the cause of contempt does not survive. In view of this, the contempt application is disposed of. Notice discharged. In case of any difficulty the applicant is at liberty to revive the Contempt Application. No order as to costs.


(V. Radhakrishnan)
Member(A)

vtc.