

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

R.A. 45/95

in

O.A. NO. 26/91

T.A. NO.

**DATE OF DECISION** 23-11-1995

Union 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

O R D E R

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~~ 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

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~~ 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.

SERIAL NUMBER OF THE APPLICATION CO/ 71 195 in OA/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 B	89 89	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD

O.A./T.A./M.A./R.A./C.A. No. Copy 71 195 in OA/26/91

A.K. Patel

APPLICANT (S)

Shri P.H. Rathod

COUNSEL

VERSUS

U.O.I. 2008

RESPONDENT (S)

COUNSEL

DATE	OFFICE REPORT	ORDER
14/12/95	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. CAF 71 195 in 04/26/91

A.K. Patel

APPLICANT (S)

Shri P.H. Rathore

COUSSEL

VERSUS

UOI/2005

RESPONDENT (S)

COUSSEL

DATE	OFFICE REPORT	ORDER

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

C.A.NO. 71/95

in  
**O.A. NO. 26/91**  
~~XXXXXX~~

DATE OF DECISION 15-2-1996

Arvind K. Patel, Petitioner

Mr. P.H. Pathak, Advocate for the Petitioner ~~(s)~~

Versus

Union of India & Ors. Respondents

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

**CORAM**

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

The Hon'ble Mr.

**JUDGMENT**

1. Whether Reporters of Local papers may be allowed to see the 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.