

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. /110 of 1992

DATE OF DECISION 06th May, 1994.

Mr. Bipinchandra Vadilal Solanki Petitioner

Mr. H. S. Shah Advocate for the Petitioner (s)

Versus

Union of India & others Respondent

Mr. Jayant Patel Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. N. B. Patel

Vice Chairman

The Hon'ble Mr. K. Ramamoorthy

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 ?

Mr. Bipinchandra Vadilal Solanki,
residing at 10, Hindu Samaj Society,
Mira Cinema Road, Maninagar,
Ahmedabad.

Applicant

Advocate Mr. H. S. Shah

versus

1. Union of India, notice to be served through the Secretary, Ministry of Communication, Dak Bhavan, Sansad Marg, New Delhi.
2. Post Master General, Gujarat Circle, office of the Post Master General, Khanpur, Ahmedabad.
3. Assistant Superintendent of Post Offices, A. S. P., Ahmedabad City (S), Sub-Division, Revdi Bazar, H. O. Building, Ahmedabad.
4. Sub-Post Master (L. S. G.), Shah-Alam Reza Post Office, Ahmedabad.

Respondents.

Advocate Mr. Jayant Patel

J U D G M E N T

O.A. 110 of 1992

Date: 06th May, '94.

Per Hon'ble Mr. K. Ramamoorthy

Member (A)

The present application seeks relief against an oral order of termination dated


19.2.1992, passed against the applicant terminating his services as Extra Departmental Packer in Shahalam Roza Post Office. It is the contention of the applicant that he has been working almost continuously as a casual labourer with the department for the past 8 years, with continuous engagement for more than 240 days in each of the ^{three} preceding years. The fact of this engagement for this long period is not contested by this department. What they have contested is the fact that this engagement being not a ^{on} single post, and that too in different ⁱⁿ offices as E D Packer/Postman/Stamp Vender, etc. it cannot qualify for the kind of protection envisaged under Industrial Disputes Act.


2. This contention of the department that the appointment of the applicant being against different posts in different offices being a bar to the application of the operation of Section 25 F of the Industrial Disputes Act, 1947, is not accepted. In this case, the employer is a single employer viz. G.O.I., P & T, Department, and merely because of the fact that he was differently employed as Packer/Postman/Vender, the employer cannot deny him the protection under Industrial Disputes Act. Since, the termination has been

done without following the prescribed procedure, in the Industrial Disputes Act, the oral order of termination is quashed and the department is required to reinstate the employee within 15 days of the order. As the applicant's advocate has given up claim for back-wages, the question of award of any of back wages for this period of his disengagement does not arise.

3. The applicant has also sought relief by way of the Department taking action to regularise his services. Since the engagement of the applicant as a ED employee, albeit on casual basis, has been through a regular process of selection and since, his engagement has been for a continuously long period, the applicant's request for regularisation also sustains. The department is also directed to consider the case of the applicant for regularisation as per the norms already accepted and adopted by the department in the case of a similarly placed employees.

4. Department to take necessary action within a period of two weeks. The application accordingly stands disposed of with no order as to costs.


(K. Ramamoorthy)
Member (A)


(N.B. Patel)
Vice Chairman