

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 155 of 1992
~~T.A. No.~~

DATE OF DECISION 5-1-1994

Shri Maheebub Bhai. R. Padhiyar, Petitioner

Shri P.H. Pathak Advocate for the Petitioner(s)

Versus

Union of India & Anr. Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel

Vice-Chairman

The Hon'ble Mr. K. Ramamoorthy

Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

Shri Maheebub Bhai. R. Padhiyar,
Vadavasdivas,
Rajdela,
Bhavnagar.

..... Applicant

Shri P.H. Pathak

..... Advocate

Versus

1. Union of India through
The Post Master General,
Gujarat Circle,
Navrangpura,
Ahmedabad.

2. The Supdt. of Post Offices,
Bhavnagar Division,
Bhavnagar.

..... Respondents

Shri Akil Kureshi.

..... Advocate.

ORAL JUDGMENT

IN

O.A. 155 of 1992

Date:- 5-1-1994

Per Hon'ble Shri N.B. Patel Vice-Chairman.

The applicant challenges the legality of the oral termination of his employment as an Out-sider Postman which is brought-about on 4-10-1989.

2. It is now conceded on behalf of the respondents that, before the employment of the applicant was terminated w.e.f. 4-10-89, he had put in more than 240 days of service in the year preceding 4-10-89. It is also conceded that the applicant was not given notice or notice pay as also retrenchment compensation as contemplated by Section 25F of the Industrial Disputes Act before terminating his employment. In the circumstances, there is no escape from

.....3/-

the conclusion ~~with~~ the termination of the applicant's employment is illegal, void and of no effect and he is ~~not~~ entitled to declaration to that effect and as also a direction for his reinstatement in service. The only question which was raised by Shri Kureshi, was in respect of the back-wages payable to the applicant. It was contended that, since the applicant was terminated w.e.f 4-10-89 and since he has approached the tribunal only on 23-5-91, he is not entitled to claim back-wages till the date of filing of the O.A. on the ground of inordinate delay in claiming the back-wages. We find ample substance in this contention that the applicant does not deserve to be awarded back-wages till the date of filing of the O.A. Shri Pathak, for the applicant, has also fairly conceded this ~~contention~~. Hence the following order.

O.A. is allowed. The impugned order orally terminated the employment of the applicant is hereby quashed and set aside and the respondents are directed to reinstate the applicant as an Out-sider Postman, within 4 weeks from the date of receipt of a copy of this order, ~~both~~ with continuity of service and all consequential benefits except back-wages for the period from 4-10-89 to 23-5-91. Payment of back-wages shall be made within a period of 4 weeks after the date of reinstatement of the applicant. The applicant may make a representation for regularisation after his reinstatement and, if he makes any such representation, the respondents shall decide the same in accordance with the law and the merits of the case.

No order as to costs.

(K. Ramamoorthy)
Member(A)

(N.B. Patel)
Vice-Chairman.

'pkk'

MA/71/94
in
O.A./155/92

Date	Office Report	Order
11/2/94		<u>M.A./71/94</u> Heard Mr. Pathaki and Mr. Kureshi. M.A. allowed. Time to comply with the direction regarding reinstatement extended till 24.2.1994 and time to comply with the direction regarding payment of back wages extended till 31.3.1994. No further extension will be given. M.A. is disposed of accordingly.  (K. Ramamoorthy) Member (A)  (N.B. Patel) Vice Chairman a.a.b.

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