

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. O.A. 461/92
T.A. No.

DATE OF DECISION 24-6-1993

Shri P.A. Parmar Petitioner

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

Versus

Union of India and Others Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel Vice Chairman

The Hon'ble Mr. V. Radhakrishnan 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

Pravinbhai Anandbhai Parmar
C/O Anandbhai Mulabhai
Nari Road, Kumbharwada
Op. Fazal Baug, Bhavnagar,

Applicant

Advocate Shri P.H. Pathak

Versus

1. Union of India
Notice to be served through
Ministry of Industry, Small
Industries Service Institute,
New Delhi
2. Dy. Director,
Small Industries Service Institute
Harisidh Chambers, 4th Floor, Ashram Road
Ahmedabad.

Respondents

Advocate Shri Akil Kureshi

ORAL JUDGEMENT T

In

O.A. 461 of 1992

Date : 24-6-1993

Per Hon'ble Shri N.B. Patel

Vice Chairman.

The applicant was an employee working under the respondent no.2 as a watchman from 20-4-1988 and his services have been terminated by letter dated 27-5-1992 with effect from 31-5-1992. It is stated that the services of the applicant and some other persons are terminated as some of the units in the establishment are closed down. Obviously, therefore, the respondents have purported to retrench the applicant. There is no dispute about the fact that the respondents have not given thirty days notice to the applicant nor have they paid or offered notice pay to him to validly bring about termination of his services. It is also not in dispute that the applicant

is not paid any retrenchment compensation. It, therefore, follows that the order or letter dated 27-5-1992, whereby the respondents have purported to terminate the applicant's service is illegal, void and of no effect whatsoever. The applicant is entitled to the relief of having the termination of his service quashed and also to the relief of all consequential benefits.

2. Accordingly, the application is allowed and Annexure A-1, dated 27-5-1992, is declared illegal and inoperative and is hereby quashed and set aside.

3. The respondents are directed to reinstate the applicant with continuity of service and with all consequential benefits including back wages. Reinstatement will be done within a period of two weeks from the date of the receipt of a copy of this order by the respondents and payment of backwages will be made within a period of four weeks from the date of the receipt of a copy of this order. No order as to costs.


(V. Radhakrishnan)
Member (A)


(N.E. Patel)
Vice Chairman

AS