

NO
oral
Termination

TRAXXAS

DATE OF DECISION 20.1.1993

The Ahmedabad Telephones, Petitioner

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

Versus

Baburao B. Wankhede & two ors. Respondent s

____ Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V.Krishnan, Vice Chairman.

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

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 ?

The Ahmedabad Telephones,
Ahmedabad,
(through its Assistant Engineer). Applicant.
(Advocate: Mr. Akil Kureshi)

Versus.

1. Baburao B. Wankhede
Ahmedabad Ice Factory
Outside Gomtipur Gate,
Nr. Amrapali Cinema,
Gomtipur, Ahmedabad.
2. Ruprao J. Manvar
Dhabavali Chali,
Opp. Memko Factory,
Naroda, Ahmedabad.
3. R.P. Gaderao,
Chandranagar,
Omprakash Chali,
Nr. Air-Port,
Sardarnagar, Ahmedabad. Respondents.

ORAL ORDER

O.A.No. 510/1992


Date: 20.1.1993.

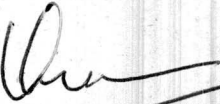
Per: Hon'ble Mr. N.V. Krishnan, Vice Chairman.

The Ahmedabad Telephones, Ahmedabad has filed this application to impugn the Award of the Central Industrial Tribunal, Ahmedabad in Reference ITC 19/89. We have heard the learned counsel for the applicants Mr. Akil Kureshi on admission. It is stated that the services of the three respondents, who were casual labourers under the applicant, were terminated on the ground of misconduct, inasmuch as they had allegedly stolen some property of the applicant. In the Reference, the Industrial Tribunal has come to the conclusion that the respondents are workmen and they are entitled to the protection of the Industrial

Disputes Act, 1947, and are entitled to the protection of the provisions of the Act. The applicant does not have a case that termination has been imposed by way of a penalty after following the procedure laid down by law for awarding such penalty in disciplinary proceedings. In that event alone the termination cannot be construed as 'retrenchment'. The Industrial Tribunal has therefore held that this is a clear case of retrenchment. Admittedly, there has been no compliance of the provisions of Section 25F of the Act and hence the Industrial Tribunal has declared it illegal and granted consequential benefits.

2. In the circumstances, we do not see any reason to interfere with the Tribunal's Award. Therefore, we dismiss this application at the admission stage.


(R.C. Bhatt)
Member (J)


20/11/93
(N.V. Krishnan)
Vice Chairman

vtc.