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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 264 of 1991

Date of Decision: 6.9.1993

Pyarimohan Muduli

Applicant (s)

Versus

Union of India & Others

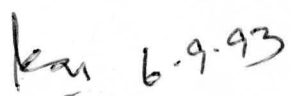
Respondent (s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?


MEMBER (ADMINISTRATIVE)

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VICE-CHAIRMAN

(8)

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Respondents

For the applicant

M/s. Jayant Das
B.S. Tripathy
B.K. Sahoo
K.P. Mishra
Advocates

For the respondents

Mr. Akhaya Mishra
Standing Counsel
(Central Government)

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C O R A M:

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner Shri Pyarimohan Muduli prays for a declaration^{that} the termination of his services is violative of Section 25F of the Industrial Disputes Act and violative of Articles 14, 16 and 300A of the Constitution of India; and further more it is prayed that a direction be given to the opposite parties to reinstate the petitioner to service.

2. Shortly stated the case of the petitioner is that, he was working as a Clerk-cum-Typist in the Office of the Civil Wing in All India Radio, Bhawanipatna from

from 16.8.1990 to 31.5.1991. His services having been terminated, this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. J. Das, learned counsel for the petitioner and Mr. Akhaya Kumar Mishra, learned Standing Counsel. Since the services of the petitioner was terminated as a casual employee, we have no powers for regularisation of his services. But it was submitted by the learned counsel for the petitioner that Section 25F of the Industrial Disputes Act not having been complied with, the petitioner is entitled to notice and wages as contemplated under the law; and since this was not complied with, the order of termination is liable to be ^{quashed} ~~dismissed~~.

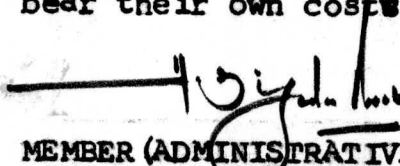
5. On the other hand Mr. Akhaya Kumar Mishra, learned Standing Counsel contended that the All India Radio is not an Industry coming within the purview of Industrial Disputes Act; and therefore, the claim of the petitioner is unfounded. We find there is considerable force on the contention of Mr. Akhaya Kumar Mishra, learned Standing Counsel. Nothing was placed before us to indicate that All India Radio could be designated as an industry. In view of such a situation, provisions contained in the Industrial Disputes Act is not ^{attracted} ~~warranted~~; and therefore, we find no merit in this aspect of the case.

6. ^{It} It was next contended by the learned counsel

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for the petitioner that since there are vacant posts, the case of the petitioner should be considered for appointment. Under the orders of the Government of India, every post in the cadre of L.D.C. has to be filled up through Staff Selection Commission. We cannot give any direction on this point.

7. Next it was contended by the learned counsel for the petitioner that in the counter opposite parties have passed a stigma against the petitioner by pointing out certain misconduct on his part. Therefore, law gives protection to the petitioner. We cannot forget that the petitioner is a casual employee and his services has been terminated after the authority came to a conclusion that there was no further work to be entrusted to the petitioner; and therefore, we attach no importance to this argument advanced by the petitioner. Thus the application stands dismissed leaving the parties to bear their own costs.


MEMBER (ADMINISTRATIVE)

06 SEP 93

Central Administrative Tribunal
Cuttack Bench Cuttack
dated the 6.9.1993/ B.K. Sahoo


VICE-CHAIRMAN

