

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J O D H P U R

.....

Date of order : 3.5.2000

O.A.NO.132/95

Kailash Chandra Sharma S/o Shri Gangadhar Sharma aged 38 years,
R/o Village Khatwada, District Bhilwara, EDMC, Branch Post Office,
Khatwara, Dist.Bhilwara..

.....Applicant.

versus

1. Union of India through the Secretary to the Government,
Ministry of Communication, (Department of Posts), New Delhi
2. Branch Post Master, Khatwada, District Bhilwara.
3. Inspector of Post Offices, Bhilwara East Sub Division,
Bhilwara.
4. Superintendent of Post Offices, Bhilwara.

.....Respondents.

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Mr.Vijay Mehta, counsel for the applicant.
Mr.Vineet Mathur, counsel for the respondents.

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CORAM :

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN

HON'BLE MR.GOPAL SINGH, ADMINISTRATIVE MEMBER

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PER HON'BLE MR.JUSTICE B.S.RAIKOTE :

The applicant has challenged the order Annex.A/1 dated
21.3.95. By this order, his services as Extra Departmental
Delivery Agent, of the Postal Department, have been terminated.

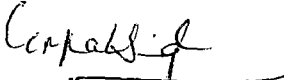
2. The applicant has challenged the impugned order on the
ground that respondents have not issued one month's notice or
~~paid~~ salary in lieu of that one month's notice, in terms of
Section 25-F of the Industrial Disputes Act, therefore, the
impugned termination is illegal and violative of Section 25-F of



.2.

the said Act. From the reading of the Section 25-F, we find that such a right is conferred on a workman and Section 2 (s) provides definition of Workman. Hon'ble the Supreme Court in 1996 SCC (L&S) 1012 has held that Extra Departmental Employees are not the workmen within the definition of workman in Section 2 (s) of the Industrial Disputes Act. If that is so, the applicant would not be entitled to the relief in this application, basing his claim on Section 25-F of the Industrial Disputes Act on the ground that one month's notice or salary in lieu of that notice period, has not been given to him. In this view of the matter, we do not find any merit in this application. Accordingly, we pass the order as under :

The Original Application is dismissed but in the circumstances with no order as to costs.


(GOPAL SINGH)
Adm. Member


(B.S. RAIKOTE)
Vice Chairman

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jrm

Lib -

Barney
Wheeler
1915

Alam
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Part II and III destroyed
in my presence on 27-10-06
under the supervision of
section officer () as per
order dated 23/8/06

Section officer (Recd)

(Vandana
Nair)