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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Review Appln. No. 496 of 1990 (L)

Union of India & Others..... Applicants

Versus

Jagdish Prasad ..... Respondent

In

Registration O.A. No. 11/89 (L)

Jagdish Prasad Vs Union of India & Others

Hon. Mr. Justice K. Nath, V.C.

Hon. Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice K. Nath, V.C.)

Original Application No. 11/89 Jagdish Prasad Versus Union of India & Others was decided by this Bench by judgement dated 2.5.90 whereby the order dated 30.6.88 of the termination of services of Jagdish Prasad was set aside and he was held to have continued in service throughout. An order of reinstatement and payment of back wages was passed and the Union of India and Others were given liberty to take action against Jagdish Prasad in accordance with law and, if necessary, after observance of the principles of natural justice.

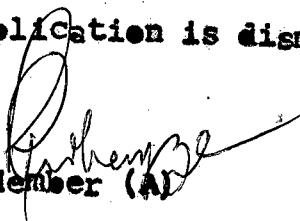
2. Jagdish Prasad was a Casual Labour and sought the benefit of Section 25-F of the Industrial Disputes Act and of the principles of natural justice. Relevant facts found in this regard were recorded and the case was allowed.

3. In this application for review, it is stated that since the applicant was a Casual Labour, the question of reinstatement would not arise as

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that would depend upon the availability of work. It was said that the principles of natural justice do not apply because Jagdish Prasad had no right to retain the post. It was lastly said that the Postal Department is not an Industry as held by Supreme Court in the case of Bangalore Water Supply and Sewerage Board Versus Union of India, whose citation is not given, below. We have carefully gone through the review application and also the contents of the judgement under review. We had recorded our view why we found the applicant to be workman and the Postal Department to be Industry, and the entitlement of protection of Section 25-F of the Industrial Disputes Act to Jagdish Prasad. These matters cannot be reagitated in a review application; they could well be a subject matter of appeal.

4. The question of a right of retaining a post is wholly irrelevant so far as the question of natural justice is concerned. The matter has been dealt with in detail in the judgement under review. We find no reason to depart from the view taken in the judgement. The Review Application is dismissed.

  
Member (A)

  
Vice Chairman

Dated the 25<sup>th</sup> June, 1991.

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