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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 818
T.A. No.

1987

DATE OF DECISION 13-11-91

B.G. Marathe Petitioner

Sri V.B. Phadnis Advocate for the Petitioner(s)

Versus

G.O.I & others Respondent

Sri Ramesh Darda Advocate for the Respondent(s)

CORAM By Hon'ble Mr. Justice U.C. - Srivastava, U.C.

The Hon'ble Mr. Justice U.C. - Srivastava, U.C.

The Hon'ble Mr. M.Y. Pralhar, 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 ? N
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH
CIRCUIT BENCH : NAGPUR

Registration O.A.No. 818 of 1987

B.G. Marathe

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Applicant

Vs.

Union of India & Others

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. M.Y. Priolkar, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as a contingent Darban with effect from 27.9.1984 and continued as such till 28.6.1985 as daily rated worker ^{when} ~~on that~~ his services were terminated. The applicant ~~first making~~ efforts to the department and thereafter he filed a Writ Petition before the Nagpur Bench of High Court which was dismissed on the ground of availability of the alternate training. Thereafter the applicant came to the Tribunal.

2. On behalf of the applicant it has been pleaded and contended that the Geological Survey of India is an industry and the provisions of the Industrial Disputes Act should have been complied with before terminating the services of the applicant and it become retrenchment in the meaning of said Act. The ~~others~~ who were appointed subsequent to the appointment of the applicant were retained in service and were regularised and ever thereafter new Darbans were appointed.

3. On behalf of the respondents it was contended that Geological Survey of India is not an industry as it does not carry out any activities which can be termed as Industry within the meaning of Industrial Disputes

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Act. In this connection they have made reference of the two decisions of this Tribunal. Obviously the function of Geological Survey of India is not the same as that of any Laboratory or any Research Institute. Consequently it cannot be held that in its unit where the applicant was working is an industry. From the counter affidavit it appears that those who were appointed subsequent to the appointment of the applicant were retained in service or were regularised in different unit, not in the unit in which the applicant was working. The applicant has not been able to point out single instance in which juniors to him have been retained or those who were not in service were appointed subsequent to the termination of the applicant's services by that unit. As such it cannot be said that any discrimination has been done. But in view of the facts it appears that in the various units the departmental Darban have been appointed in the past and are being appointed and nothing has been said against the applicant by the respondents. As such the respondents would consider the re-appointment of applicant as Darban in the unit where he was working or any other unit if vacancies are available and there is no insurmountable hurdle in appointing him. With the above observations the application stands disposed of. There will be no order as to costs.


Member (A)


Vice-Chairman.

13th November, 1991, Nagpur.

(sph)