

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
new BOMBAY BENCH, NEW BOMBAY  
CAMP AT NAGPUR.

Original Application No. 921/89.

Shri. P.N. Neware,  
R/o Opposite Kusum Khandekar's House,  
Nandaji Temple Lane,  
New Ramdaspath,  
Nagpur - 440 010.

... Applicant.

V/s.

1. Union of India,  
Department of Post,  
Parliament Street,  
New Delhi - 110 001  
through its Secretary.
2. The Post Master General  
Maharashtra Circle,  
Bombay - 400 010.
3. The Director,  
Postal Services,  
C/o. Addl. Post Masters  
General at Nagpur.
4. The Senior Superintendent,  
of Post Offices, Nagpur,
5. The Asstt. Supdt. Post  
Offices (TS), Sub Division,  
No.2, City Head Post, Nagpur. ... Respondents.

CORAM : HON'BLE MEMBER(A), SHRI P.S. CHAUDHURI,  
HON'BLE MEMBER(J), SHRI D.K. AGRAWAL.

Appearances:-

Mr. P. Marpakwar, advocate  
for the applicant.

JUDGMENT:-

{Per Shri P.S. CHAUDHURI, MEMBER(A)} Dated: 22.6.1990.

This application under section 19 of the  
Administrative Tribunals Act, 1985 was filed on  
15.12.1989.

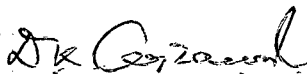
2. It is the applicant's case that he was  
appointed w.e.f. 7.12.1987 on daily wages in the  
capacity of Postman, and was in continuous service with  
the respondents till 6.10.1988, When his services  
were terminated. It is his case that this termination  
has been affected without following the provisions

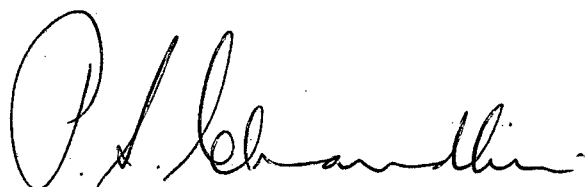
of sections 25F and 25G of the Industrial Disputes Act, 1947 and is also violative of Article 14 of the Constitution.

3. The respondents have opposed the application by filing their written statement. They submit that the applicant was never appointed as a Postman. They submit that during the leave vacancies of Postman persons are engaged on daily basis and all such engagements come to an end by the day. They also submit that the applicant has worked for 28 days in 1987, 218 days in 1988 and 13 days in 1989. They deny that he has worked for 240 days continuously in any year.

4. We have heard Mr. P. Marpakwar, learned advocate for the applicant. He cited a Judgment of the Kerala High Court in support of his contention that the applicant was to be treated as a Workman under the Industrial Disputes Act, such a question would arise for consideration only after we find that a person has been validly appointed as a Casual Mazdoor/Substitute/Postman. No such order exists on record or was produced before us today for our perusal. Thus, we are unable to hold that the view taken by the Kerala High Court would apply in this case.

5. In this view of the matter we see no merit in this application, which is summarily rejected in limine under section 19(3) of the Administrative Tribunals Act, 1985.

  
(D.K. AGRAWAL)  
MEMBER (J)  
22.6.90.

  
(P.S. CHAUDHURI)  
MEMBER (A).