

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**NEW BOMBAY BENCH**

O.A. No. 70/89
~~TXA XXX No.~~

198

14.3.1990
DATE OF DECISION

Shri R.A. Pathan Petitioner

Shri D.V. Gangal Advocate for the Petitioner(s)

Versus

Union of India Respondent

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice Kamleshwar Nath, Vice-Chairman,

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

14/3

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

(4)

Original Application No. 70/90.

Shri R.A. Pathan.

... Applicant.

V/s.

Union of India & Another.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri Justice Kamleshwar Nath,
Hon'ble Member(A), Shri M.Y. Priolkar.

Oral Judgment:-

Dated: 14.3.1990

(Per Shri Justice Kamleshwar Nath, Vice-Chairman)

We have heard learned advocates for both the parties. This case involves a very short matter in which the opposite party have not found it necessary to file any reply. The applicant was a substitute Safaiwala when his services were sought to be terminated on an earlier occasion and he filed an application (Stamp 751/89 before this Tribunal). It appears that he had the benefit of continuance of his employment in the ultimate result of that petition. It was after the orders therein that the present impugned termination order Annexure 'A' dt. 25.1.1990 was issued. The order mentions that a Dresser was being posted in the Health Unit and "your services are to be dis-continued after 15 days". The short point urged by the counsel for the applicant is that the applicant being a workman within the meaning of the Industrial Disputes Act the impugned order does not comply with the provisions of section 25F and Section 25N of that Act.

...2.

(S)

2. The learned counsel for the opposite party says that by virtue of an interim order passed in this case the applicant has been treated to be continued in employment and that the opposite parties contemplate passing another order in accordance with law for terminating the applicant's services. The upshot of this situation is that the applicant is to be considered to be continued in employment and the impugned termination order Annexure 'A' deserves to be quashed.

3. The petition is disposed of with the order that the termination order dt. 25.1.1990 contained in Annexure 'A' is quashed and the applicant shall be treated to have continued in employment. It will of course be open to the parties to pass a proper order of termination, if so advised, in accordance with law.


(M.Y. PRIOLKAR)
MEMBER(A)


(4.3.1990)
(KAMLESHWAR NATH)
VICE-CHAIRMAN.