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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
(CAMP: NAGPUR)

Original Application No: 301/91

Transfar Application No: --

DATE OF DECISION: 21-9-94

Chironjilal s/o. Bajilal

Petitioner

None

Advocate for the Petitioners

Versus

U.O.I. & Ors.

Respondent

Mr.R.P.Darda

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S.Deshpande, V.C.

The Hon'ble Shri K.D.Saha, Member(A)

1. To be referred to the Reporter or not ? *no*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*

M.S. Deshpande
(M.S.DESHPANDE)

VC

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

CAMP AT NAGPUR

O.A.301/91

Chironjilal s/o.Bajilal .. Applicant

-versus-

Union of India & another. .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman

Hon'ble Shri K.D.Saha, Member(A)

Appearances:

1. None for the Applicant.
2. Mr.R.P.Darda
Counsel for the Respondents.

ORAL JUDGMENT: Date: 21-9-94
¶Per M.S.Deshpande, V.C.¶

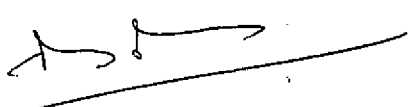
This is an application by the applicant challenging his alleged oral termination dt. 20-7-1990 in contravention of the provisions of Industrial Disputes Act and for a direction to the respondents to reinstate him together with backwages.


2. The applicant was appointed by one J.L.Pachodkar, who was working as a regular Branch Postmaster as a substitute for him on 20-11-1989. On 21-5-90 the applicant was asked to sign on certain forms indicating that J.L.Pachodkar who handed over charge to the applicant on 20-11-1989 was on leave since then. The applicant refused to do so. According to the applicant he was again appointed as a Branch Postmaster for 111 days but from 21-6-1990 to 30-6-1990 wages were paid in the

name of one R.S.Soni. According to the applicant his oral termination on 20-7-1990 was in contravention of the provisions of Industrial Disputes Act.

3. The respondents contention is that the applicant was appointed as a substitute for J.L.Pachodkar and he had no right to be continued in that post and the applicant had been given a clear understanding that the applicant's services would be terminated without assigning any reason.

4. When the matter came up for hearing there was no appearance for the applicant and we have heard Mr.R.P.Darda, counsel for the respondents. It is apparent that the applicant was only a substitute for Shri J.L. Pachodkar and there is no material to justify the contention that the applicant had been appointed by the respondents. The applicant obviously was appointed merely as a substitute and had no right to the post. In view of this clear position we see no merit in this O.A. The application is dismissed. There will be no order as to costs.


(K.D.SAHA)
Member(A)


(M.S.DESHPANDE)
Vice-Chairman