

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI,
CAMP AT NAGPUR.

ORIGINAL APPLICATION NO.893/93.

Friday, the 22nd of March, 1996.

Coram: Hon'ble Shri B.S.Hegde, Member(J),
Hon'ble Shri M.R.Kolhatkar, Member(A).

Nandlal Sitaram Kolhe. ... Applicant.
(No appearance)

V/s.

Medical Officer,
Bidi Workers Welfare Fund
Dispensary, Bhandara & Anr. ... Respondents.
(By Counsel Shri M.G.Bhangde).

O R D E R

(Per Shri B.S.Hegde, Member(J))

None for the applicant. Shri M.G.Bhangde, counsel for the Respondents is present. The pleadings are complete. We requested the learned counsel to go through the pleadings.

2. The only contention raised in this O.A. is that the Respondents be directed to set aside the termination order dt. 31.3.1992 and further to reinstate the applicant with full back-wages.

The ground urged in the O.A. is that the applicant had worked for more than 240 days in a calendar year and instead of regularising him, his services were illegally terminated w.e.f. 31.3.1992 without following the provisions of Section 25-F of the Industrial Disputes Act and the respondents have appointed one Smt.Sanghamitra Wahane.

3. The learned counsel for the Respondents submitted that the provisions of section 25F of the Industrial Disputes Act are not applicable for the most manifest reason that the department is a Health Scheme established to provide the medical facilities

and services to the Bidi Workers and that no features of "Industry" are found in the dispensary which is run by the Central Government for the welfare of the Bidi Workers in which the applicant was working and therefore, the dispensary under question/being not an industry within the meaning of Industrial Disputes Act, the provision of Industrial Disputes Act are not applicable and hence the question of Section 25F does not arise. The respondents in their reply have further stated that the applicant was appointed on 1.8.1986 as a part-time Sweeper in the dispensary. One Smt. Vimlabai Wankhede another Part-Time Sweeper attached to BWWF Dispensary, Kamptee who has been in the employment of R-2 since August 1980 who also belonged to SC Community was regularised against the transferred post of Sweeper. Further in view of the Circular issued by the Ministry of Labour dt. 25.2.1982 wherein it is directed that all daily rated/casual/part-time workers, by whatever name they may be called, who have been employed over and above the sanctioned strength of the Offices/hospital/dispensaries/Library functioning under this region should be relieved by 31.3.1992.

4. In the above circumstances, the Respondents had to terminated the services of the applicant as casual labour and had to give job to Smt. Vimlabai Wankhede another Part-Time Sweeper attached to BWWF Dispensary, Kamptee, who has been in the employment of Respondent No.2 since the August, 1980, has been regularised in the said post.

5. In the circumstances, we do not see any merit in the O.A. and the same is dismissed. No order as to costs.

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER(A)

B.S.Hegde

(B.S.HEGDE)
MEMBER(J).

B.