

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH,
JAIPUR.

Date of Decision: June 22, 1993.

TA 2021/86
(CS 228/84)

PRASADI

... APPLICANT.

Vs.

UNION OF INDIA & ORS. ... RESPONDENTS.

CORAM:

HON. MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.
HON. MR. O.P. SHARMA, ADMINISTRATIVE MEMBER.

For the Applicant ... NONE.

For the Respondents ... NONE.

PER HON. MR. JUSTICE D.L. MEHTA, VICE CHAIRMAN.

None present on behalf of any of the parties.

The applicant filed a suit in the court of learned Munsif, Gangapur City, being aggrieved with the retrenchment order dated 6.9.84. The applicant submitted that the respondents be restrained from appointing any junior person as a substitute of the applicant. He has further requested that the retrenchment order issued may be stayed. The applicant has submitted a copy of the order dated 6.9.84, in which it has been mentioned that 'on being declared as "unfit" by the Screening Committee due to over age, the services of the applicant will be terminated from 5.10.84'. He has also produced the letter of the Head Master, in which it has been mentioned that the date of birth, according to the school record, is 15.7.44. The applicant has not taken any ground about the non-payment of compensation or any

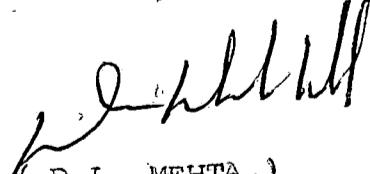
other similar ground which can be raised in the cases of retrenchment u/s 25F of the Industrial Disputes Act. The matter cannot be decided taking into consideration the provisions of Section 25F of the Industrial Disputes Act, as the plaintiff has not taken any ground in the plaint. Merely stating that termination is against the law is not sufficient. The second question is about the over age. The applicant has not raised any dispute about the age in this petition and has not prayed that he may be declared as within the age limit. In such circumstances, this matter cannot be also decided.

2. From the perusal of the file available with the court it is not clear whether the applicant is continuing in employment under the order of the court or not, and there is none to represent the case of the applicant or the Union of India.

3. In such circumstances, it is directed that if the applicant has not been retrenched under the order of the court, he shall be allowed to continue as the applicant ^{he} has come up with the case that has been serving since 1968. However, if the retrenchment order has already taken effect, the applicant cannot be granted any relief except the relief available u/s 25H, which he can seek by separate petition.

4. The OA stands disposed of accordingly, with no order as to costs.


(O.P. SHARMA)
MEMBER (A)


(D.L. MEHTA)
VICE CHAIRMAN