

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH (5)  
JAIPUR.

O.A.No.642/93

Dt. of order: 29.1.1994

Mahendra

: Applicant

Vs.

Union of India & Or. : Respondents

Mr.D.C.Gupta : Counsel for applicant

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL).

Applicant Mahendra, in this application under Sec. 19 of the Administrative Tribunals Act, 1985, has called in question the verbal termination of his services w.e.f. 22.7.88 and he has also prayed that the respondents be directed to regularise his services as Chowkidar in the regular pay scale from the date of his initial appointment with all consequential benefits.

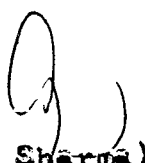
2. The applicant's case is that he was appointed as Chowkidar in the office of the Conservation Assistant (C.A.), Archaeological Survey of India, at Bharatpur, on Daily Wages w.e.f. 11.8.86. He continued to work on daily wages till 22.7.88 but his services were verbally terminated on that date. The verbal order of termination is assailed on the ground that the same was made without complying with the provisions contained in Sec.25-F of the Industrial Disputes Act, 1947. It is also alleged that before terminating his services no retrenchment compensation as envisaged by Sec.25-F of the I.D.Act was paid nor the applicant was given any notice or pay. This applicant had earlier filed an O.A. before this Tribunal on the same subject claiming the same relief and it was decided by an order of this Tribunal dated 20.1.92 (Annx.A-2) that since the applicant had neither made a representation to the concerned authority nor he had approached the concerned authority under the I.D.Act

C.Krishna

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before agitating the matter in this Tribunal, the said O.A. No.824/89 presented by this very applicant was held to be not maintainable and as such it was dismissed. The applicant has now made a representation to the concerned authority vide Annx.A-3 dated 16.6.92. However, the learned counsel for the applicant admits that the applicant has till date not approached the concerned authority under the I.D.Act, in view of the observations made by this Bench of the Tribunal while deciding the applicant's earlier O.A. in regard to the same matter on 20.1.92. The position therefore, remains the same. Relying on (1993) 25 ATC 797 Ramesh Kumar & Ors. Vs. Union of India, decided by the Chandigarh Bench of the Tribunal, it is held that this matter cannot be entertained at this stage as the applicant did not approach the appropriate forum under the <sup>Industrial Dispute</sup> Act in the first instance.

3. We, therefore, hold that this application under Sec.19(1) of the Administrative Tribunals Act, 1985, is not maintainable and the same is dismissed at the admission stage.

  
(O.P.Sharma).  
Member(A)

  
(Gopal Krishna)  
Member(J).