

A-2
1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A.No.49/93

Date of order: 28.1.'93

Parus Ram Meena : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.P.S. Sharma : Counsel for applicant

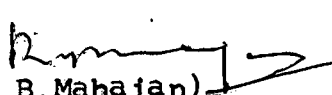
CORAM:

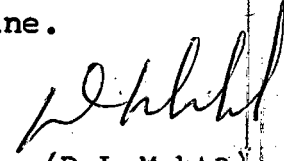
Hon'ble Mr.Justice D.L.Mehta, Vice Chairman

Hon'ble Mr.B.B.Mahajan, Member (Adm.).

PER HON'BLE MR.B.B.MAHAJAN, MEMBER (ADM.).

Parus Ram Meena has filed this application against termination of his services as Extra Departmental Mail Carrier by the impugned order dated 22.10.91. Heard the counsel for the applicant. The applicant was appointed as EDMC/DA vide order dated 20.12.90 (Annx.A-2). It has been mentioned in para 2 of the appointment order that the provisional appointment is tenable till the disciplinary proceedings against Shri Ram Lakhan Meena are finally disposed of and he has exhausted all channels of departmental and judicial appeals and petition etc. The applicant has not denied that the departmental proceedings against Shri Ram Lakhan Meena have been finalised. In fact the impugned order Annx.A-1 is the charge given by the applicant to Shri Ram Lakhan Meena. The termination order of the applicant has been challenged on ground of violation of Sec.25 of the Industrial Disputes Act, 1947. Under Clause (bb) of Sec.2(oo) of the Act, termination of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein does not amount to retrenchment. Section 25-F of the Industrial Disputes Act is, therefore, not attracted in this case. The O.A. is accordingly rejected in limine.


(B.B.Mahajan)
Member (Adm.).


(D.L.Mehta)
Vice Chairman.