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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR  
BENCH, JAIPUR.

O.A.No.347/93

Dt. of order: 5.7.93

Foundary Staff Association : Applicant  
& Another.

Vs.

Union of India & Ors.

: Respondents.

Mr.R.N.Mathur

: Counsel for applicant

Mr.M.Bhandari

: Counsel for respondents.

CORAM

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

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

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

Heard the learned counsel for the parties.

The applicants have filed this application and prayed therein that the respondents may be directed not to close down the Foundary Shop in Wagon Repair Work Shop, W.R, Kota. They have also prayed that the orders dated 26.4.93, 4.6.93 and 1.6.93 (Annex. A-1, A-2 and A-3) may be set aside. Further prayer has been made that the workers of the Foundary Shop Wagon Repair Work Shop, W.R, Kota may not be declared surplus and that the targets fixed without corresponding increase in the number of employees <sup>may not be enforced.</sup> Further, an opportunity of being heard may be given to the workers before insisting on achievement of targets laid down.

2. Brief facts are that there is a Foundary Shop in Wagon Repair Work Shop, W.R, Kota. Annex.A-1 is a letter addressed to the CWM-KTT dated 26.4.93. In this letter it has been mentioned that it has now been decided by the competent authority to close down the Foundary Shop in Wagon Repair Work Shop, Kota and a request has been made for the preparation of detailed action plan for the closure of foundry.

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3. In the letter Annexure:A-2 dated 1.6.93, a notification was issued in which it has been mentioned that the staff shall be retrenched in 3 stages. In the same letter, it has been mentioned that they will be absorbed in the same workshop. Vide Annx.A-3 dated 4.6.93, there is a direction to give option for 3 trades out of 5. Vide Annx.A-5 letter dated 28.5.93, it has been mentioned that in the meeting on 1.5.93, the final decision about the closure of the Foundry could not be taken for want of details about the surplus staff in Phase-I, II and III. Thus from this letter, it seems that the decision about closure of Foundry Shop is still to be taken and the proposal is under consideration. Shri Manish Bhandari appearing on behalf of the respondents stated that the final decision about the closure of the Foundry Shop has not been taken so far. He further submits that in para 3 of his reply he has specifically mentioned that a final decision is also required to be taken in consultation with the recognised Unions for the purpose of ~~closure~~ closure of the Foundry Shop. Thus from the reply submitted and statements made at the Bar during the course of argument, it is clear that the respondents have not yet taken any final decision about the closure of the Foundry Shop.

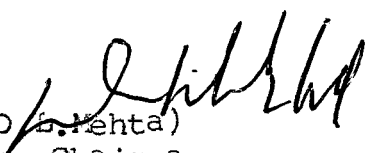
4. Any industry or unit of industry can be closed down according to the rules and law. In the instant case the final decision has not been taken for the closure. Unless a final decision is taken according to law the employees cannot be compelled to go for training for any other trade or to give option for

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their absorption in the same department or any other department. An employee will have a right to give option to go to any other department or the same department or to get the retrenchment compensation after a final decision is taken regarding closure of the Foundary Shop by the competent authority, according to ~~xxx~~ law.

5. At present the orders Annx.A-1,A2 & A-3 dated 26.4.93, 1.6.93 and 4.6.93 are ineffective qua the employees and the respondents are directed to take the final decision according to law and thereafter to proceed according to law in the matter of giving the benefits permissible under law to the employees. The O.A. is disposed of accordingly. No order as to costs.

  
(O.P.Sharma)  
Member (A)

  
(D.L.Mehta)  
Vice Chairman.