

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH: JAIPUR.

Original Application No. 242/2003

Date of decision: 15-7-2004

The Hon'ble Mr. J.K. Kaushik, Judicial Member.

Jai Singh, Son of Shri Mool Singh, aged 30 years, resident of Plot No.39, Jagamba Colony, Dehar Ka Balaji, Jaipur. Ex. Class IV EMPLOYEE in the office of Salt Commissioner, Jhalana Doongri, Jaipur.

: Applicant.

versus.

1. Union of India through the Salt Commissioner, Jhalana Doongri, Jaipur.
2. Assistant Salt Commissioner, Office of Salt Commissioner, Jhalana Doongri, Jaipur.

: Respondents.

Mr. S.K. Jain, Counsel for the applicant.

Mr. S.S. Hassan, Counsel for the respondents.



ORDER

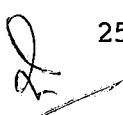
ISV.

Mr. J.K. Kaushik, Judicial Member.

Shri Jai Singh has assailed the oral order of termination passed on 30.09.02 and has sought for setting aside the same with a direction to re-instate him on the Class IV post amongst other reliefs.

2. The brief facts of the case are that the applicant was engaged as Class IV on 19.04.2000, on daily wages basis and he continued to work on the same upto 30.09.2002 on which date the services of the applicant were terminated through oral order. The termination order has been passed without complying the provisions of Industrial Disputes Act, 1947, (herein after referred to as the Act.). While terminating the services of the applicant he was assured that he would be given some break on the ground that it may not lead to grant extra benefits to him. The applicant was entitled to for the grant of temporary status in accordance with the Scheme dated 10.09.2003 since he has completed 206 days in a year where the 5 days working were in vogue. The respondents department has been held to be an industry as per the judgement of a coordinate Bench at Jodhpur vide its decision dated 15.02.88 passed in T.A. No. 550/1986 Rajeshkumar Gangwal vs. Union of India and others. In the said case, the termination order was held to be in violation of Sec. 25 (F) of the Act and it has been averred that the said case is similar to the one which we are examining now. The Original Application has been filed on various grounds which are intermixed with the facts of the case.

3. The respondents have contested the case and have taken a preliminary objection regarding the maintainability of the very O.A. One of the preliminary objections is that the order of termination has been challenged on the ground of violation of Sec. 25 (F) of the Act and the applicant has been retrenched in



violation of Sec. 25 (F) of the Act and therefore the O.A is not in violation of Sec. 25 (F) of the Act. Therefore the O.A is not maintainable before the Tribunal. There are number of other grounds and various details regarding the working of the applicant has been enunciated in the reply and I am refraining from narrating in this order in view of my observation in the succeeding paragraphs.

4. A short rejoinder has been filed stressing that this Tribunal has got jurisdiction to entertain this O.A and also other facts and grounds mentioned in the reply have been rebutted.

5. A reply to the rejoinder has also been filed which is not contemplated as per the relevant rules i.e. Rule 32 and Rule 33 of the Central Administrative Tribunal(Procedure) Rules, 1993. Thus I did not take cognizance of the same, rather cautioned the respondents to abstain from filing such futile pleadings in future.

6. I have heard the learned counsel for the parties and have carefully perused the pleadings of this case. The learned counsel for the respondents has endeavoured to persuade me that it is the specific case of the applicant that the respondents department is an industry and the applicant's termination is alleged to have been made in clear violation of the provisions of the Act, especially Sec. 25(F) of the Act. Learned counsel for the applicant has added that there has been violation of Sec. 25 (G) of the said Act as well since two persons subsequent to his termination have been inducted in service against Group 'D' posts.

7. I find that the judgement in Rajesh Kumar Gangwal's case (supra) clearly amplifies that the respondents department is an industry and admittedly the main ground of attack of the



termination of the applicant is passed in violation of various provisions of the Act. The logical conclusion is that since the applicant was working on Group 'D' post on daily wage basis he was a 'work man' within the meaning of the Act. It has been categorically held by the Supreme Court in the case of BACHI SINGH AND ANOTHER VS. Union of India and others [AIR 1993 SC 1161] and Director Government of India vs. General Secretary GGSSD [1998 (6) JT SC 632] as well as by a Full Bench of this Tribunal in the case of Bhim Singh and others vs. Union of India and others. [2000 (3) SLJ CAT 277 (FB)] that the matters pertaining to the I.D. Act, cannot be entertained and adjudicated upon by this Tribunal. In this view of the matter this Tribunal has no jurisdiction to entertain the matter.

8. In view of the aforesaid rule position and verdict of the Hon'ble Supreme Court in the matter, it is held that this Tribunal has no jurisdiction to deal with the matter. Hence this O.A is dismissed for want of jurisdiction without going into the merits of the case. However, the applicant shall be at liberty to pursue his claim before the appropriate forum if he is so advised. No costs.


(J.K. Kaushik)

Judicial Member.

jsv.