

SUPREME COURT OF INDIA

Union of India (Uoi)

Vs.

Kamlesh Kumar Bharti

(S Agrawal and G Pattanaik JJ.)

26.09.1997

ORDER

1. Delay condoned.

2. Special leave granted.

3. The respondent was appointed temporarily as Extra-Departmental Delivery Agent in Ghazipur on 1-1-1993. He was relieved of the said post on 19-2-1994. He filed a petition (OA No. 404 of 1994) before the Central Administrative Tribunal, Allahabad (hereinafter referred to as "the Tribunal") which has been allowed by the Tribunal by the impugned judgment dated 3-10-1995. The Tribunal has held that the respondent had worked for more than 240 days and he was entitled to the protection of Section 25 of the Industrial Disputes Act, 1947 and since the said provisions were not complied with, the termination of the services of the respondent was illegal.

4. The learned Additional Solicitor General has invited our attention to the judgment of this Court in Sub-Divisional Inspector of Post v. Theyyam Joseph, wherein this Court has laid down that post office is not "industry" under Section 2(j) of the Industrial Disputes Act, 1947. In view of the said decision of this Court the provisions of Section 25-F of the Industrial Disputes Act could not be

invoked to set aside the termination of the services of the respondent.

5. The appeal is, therefore, allowed, the impugned judgment of the Tribunal dated 31-10-1995 is set aside and OA No. 404 of 1994 tiled by the respondent is dismissed,

6. In pursuance of our order dated 9-7-1996 the appellants have deposited a sum of Rs 3000 towards the cost of the respondent in this Court. The learned counsel for the respondent will be entitled to withdraw the said amount.