

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.2577/2000

New Delhi this the 20th day of September, 2001

Hon'ble Smt.Lakshmi Swaminathan,Vice Chairman(J)
Hon'ble Shri S.A.T. Rizvi, Member (A)

Harsh Vardhan Agarwal
S/O Shri R.K.Agarwal
R/O 550,Sahukara, Bareilly presently
employed at Malaria Research Centre
Shajanhanpur(UP) under Indian Council
of Medical Research, New Delhi.

..Applicant

(Present in person)

VERSUS

- 1.The Director General, Indian Council
of Medical Research Post Box 4508,
Ansari Nagar, New Delhi-110029
- 2.The Director, Regional Medical Research
Centre, Farzand Ali Market, Aberdeen
Bazar, Port Blair(A&N)
- 3.The Director, Malaria Research Centre,22,
Sham Nath Marg, Delhi-110054
- 4.The Chief Labour Commissioner(Central),
Shram Shakti Bhawan, Rafi Marg, New Delhi

.Respondents

(By learned proxy counsel Ms.Anuradha
Priyadarshani with Sh.Ajay Verma)

O R D E R (ORAL)

(Hon'ble Smt.Lakshmi Swaminathan, Vice Chairman(J)

In this application, the applicant has stated that he has not come to the Tribunal against any specific orders passed by the respondents. He submits that this application is against non-payment of Rs.47,547/- by respondent No.1 in terms of the award in ID case No.9/1992 by the Labour Court, Port Blair by their order dated 30.8.1993.

2. We have heard the applicant and Ms.Anuradha Priyadarshani,learned counsel and perused the documents on record.

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3. The applicant has stated that part of the amount given in the aforesaid award of the Labour Court has been paid to him by cheque dated 1.11.1994. The claim raised in the present OA is with regard to the remaining amount of Rs.47,547/- with 10% interest since 1993 till the date of actual payment. He has stated that in the meantime from 1993 till August,2000 when this OA has been filed, he has been making repeated representations to the respondents to pay the balance amount.

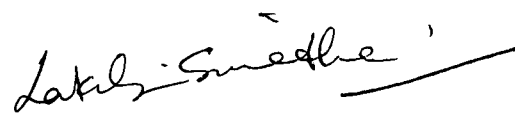
4. It is not disputed by the applicant that at the time when the aforesaid award was given by Labour Court, Port Blair by order dated 30.8.1993, the respondents were not within the jurisdiction of this Tribunal. Later, by Notification issued in 1998 by DOP&T the respondents were notified under Section 14 of the Administrative Tribunal's Act, 1985 and thereafter disputes of staff of this organisation i.e. I.C.M.R. have come within the jurisdiction of the Tribunal. Learned counsel for the respondents has submitted that in the circumstances of the case, the OA is not maintainable. She relies on the judgement of the Hon'ble Supreme Court in Director, Govt. of India Vs. General Secretary, Central Govt. Small Scale Industries Organisation Employees Union and Others. (AIR (1999) SC 553).

5. No reasons, let alone sufficient reasons have been given by the applicant, as to why from November, 1994 when he states that part of the payment given by the Labour Court has been made till the time he has filed this OA, he had not filed any petition in the appropriate judicial forum. It is also relevant to note that only by Notification of the DOP&T in 1998, this Tribunal has been conferred jurisdiction in respect of grievances of staff belonging to I.C.M.R.- Respondent No.1.

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Even after the Notification dated 1998 was issued, the applicant has not explained as to why he has filed this application belatedly. Apart from that, what the applicant seeks is execution/implementation of the award given by the Labour Court, Port Blair by order dated 30.8.1993. In the facts and circumstances of the case and having regard to the judgement of the Hon'ble Supreme Court in Director, Govt. of India Vs. Genl. Secretary, Central Govt. Small Scale Industries Organisation Employees Union and Ors's case (supra), we find that this OA is not maintainable both on the ground of jurisdiction and limitation. Accordingly OA fails and is dismissed. No order as to costs.


(S.A.T. Rizvi)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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