

(40)  
20

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

OA No. 1549/91

New Delhi, this the 9th day of December, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)  
HON'BLE SHRI S.P.BISWAS, MEMBER (A)

In the matter of:

Km. Haseen Akhtar,  
daughter of S. Hifazat Hussain Zaidi,  
13,372, Darbar Shahji,  
Nai Ki Mandi, .... Applicant  
**Agra.**  
(By Advocate: Sh. Arun Bhardwaj)

Vs.

1. District Manager Telephone,  
C.T.O.Building,  
Agra.
2. Presiding Officer,  
Central Government Industrial Tribunal,  
Nirmal Tower,  
Barakhamba Road,  
**New Delhi.** .... Respondents  
(By Advocate: Sh. P.H.Ramchandani)

O R D E R

delivered by Hon'ble Shri T.N.Bhat, Member (J)

We have heard the learned counsel for the parties on the question of jurisdiction.

2. This OA is directed against an award passed by the Central Govt. Industrial Tribunal, Kanpur holding that the action of the respondents in not regularising the services of the applicant as a Typist on casual basis is justified.

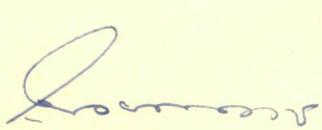
3. The Apex Court has settled the issue concerning the jurisdiction of the Tribunal to hear matters directed against awards made by an Industrial Tribunal and it has been held that the Central Administrative Tribunal does not have jurisdiction to

*1549-12-98*

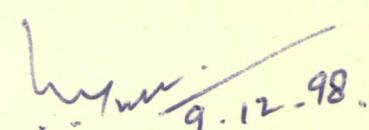
entertain such matters. The learned counsel for the applicant draws our attention towards an order passed by this Tribunal in RA-117/97 in OA-929/96 on 16.5.97 by which it has been held that the Tribunal has jurisdiction to entertain such matters. The aforesaid order, we notice, was passed on the basis of some observations made by the Hon'ble Supreme Court in L.Chandra Kumar and Others vs. UOI & Others by which Section 29 of the Administrative Tribunals Act 1985 was struck down. However, we have later judgments of the Hon'ble Supreme Court reported in 1997 (11) Supreme Court Cases 469 and JT 1998 (6) SC 632 in which it has been specifically laid down that this Tribunal cannot exercise any jurisdiction in respect of matters arising out of an award made by Industrial Tribunal.

4. In view of the aforesaid clear pronouncements of the Apex Court this Tribunal lacks jurisdiction to entertain the instant OA. We, accordingly, direct that this OA shall be returned to the applicant for being presented before the competent forum. The remaining part of the file shall be consigned to the records. A copy of this order shall also be given forthwith to the applicant through her counsel.

5. The OA is disposed of in terms, of the above order, leaving the parties to bear their own costs.

  
 ( S.P. BISWAS )  
 Member (A)

'sd'

  
 ( T.N. BHAT )  
 Member (J)

19.12.98.