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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A.No. 1619/91

Date of Decision: 10-04-92

Chat Ram .. Applicant(s)

Shri Umesh Mishra .. Counsel for the applicants

Vs

Union of India through General
Manager, Northern Railway .. Respondents
and another

Shri I.C.Sudhir for R.1. .. Counsel for respondent(s)

CORAM

Hon'ble Mr. S.P.Mukerji, Vice Chairman
Hon'ble Mr. T.S.Oberoi, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgment?
2. To be referred to the Reporter or not?

J U D G M E N T

(Delivered by Hon'ble Mr.S.P.Mukerji, Vice Chair man)

In this application dated 23.5.89 and resubmitted on 3.5.91 the applicant who has been working as a Khalasi in the Northern Railway has challenged the order of the Labour Court dated 17.3.89 passed under Section 33(C)(2) of the Industrial Disputes Act by which his claim for pay and allowances between 24.4.75 and 7.11.80 was dismissed as not maintainable under Section 33-C(2) of the Industrial Disputes Act. The operative portion of the Labour Court's order reads as follows:

"It is apparent that during the period of claim the workman did not perform any duty and, therefore, he has got no existing right to claim any wages for the said period. If the contention

of the workman is that his earlier removal from service w.e.f. 23.4.75 was illegal, he should have raised industrial dispute but the legality or otherwise of his removal from service cannot be investigated in an application under Section 33-C(2) of the I.D. Act. Hence this application of the workman is not maintainable and is without any merit and is hereby dismissed."

The applicant has argued that since he had offered himself to work but not allowed to work "he was entitled to the wages and the bonus but the same was not paid to him." He has mentioned that in continuation of the same period another Labour Court had awarded wages to him for the period of his absence from work between 29.7.71 and 8.9.73. The learned counsel further stated that for the intervening period from 1973 to 1975 also still another Labour Court allowed wages to the applicant. The learned counsel for the applicant argued that in that light the Central Government Labour Court, New Delhi should have entertained the claim also.

2. In the counter affidavit the respondents have stated that the application is time barred; that the applicant has not exhausted departmental remedies; and that the applicant remained on unauthorised absence till 7.11.80 at his own volition.

3. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. It is now established law that the jurisdiction of the Labour Court under Section 33-C(2) of the Industrial Disputes Act is restricted to computation of claim and matters incidentally to such computation but does not extend to adjudication of rights. (1974 SCC L&S 421). The learned counsel for the applicant did not seriously challenge this proposition but argued

that for the same applicant and for the same cause of action, two other Labour Courts have ~~been~~^{been} awarded ⁱⁿ wages between 1971 and 1973 and again between 1973^{and 1975} ~~and~~^{and} the Labour Court in the impugned order should not have dismissed the applicant's application. This argument, to our mind, cannot be accepted because an order per incurium ^{of} ~~by~~^{by} one Court cannot be binding on another Court of coordinate jurisdiction. Accordingly, we see no force in the application and dismiss the same without any order as to costs.

T.S. Oberoi 10.4.92
(T.S. OBEROI)
MEMBER (JUDICIAL)

S.P. Mukerji 10.4.92
(S.P. MUKERJI)
VICE CHAIRMAN

10-04-92

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