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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH.

D.A. NO. 2268/93

New Delhi this the 18th day of January, 95.

Shri N.V. Krishnan, Vice Chairman(A).

Dr. A. Vedavalli, Member(J).

1. Union of India through General Manager, Northern Railways, Baroda House, New Delhi.
2. Divisional Railway Manager/ Divisional Personnel Officer, Northern Railways, State Entry Road, New Delhi.

... Applicants.

By Advocate Shri I.C. Sudhir.

Versus

1. Shri Nand Lal, S/o Shri Miri Mal, R/o G-221, Patel Nagar-III, Ghazisbad (UP).
2. Presiding Officer, Central Government Labour Court, New Delhi.
3. Assistant Collector, Civil Supply Building, Tis Hazari Court, Delhi.

... Respondents.

By Advocate Shri G.D. Bhandari (for Respondent No. 1).

None for other respondents.

ORDER (ORAL)

Shri N.V. Krishnan

The applicants i.e. Union of India through General Manager, Northern Railways and Divisional Railways Manager, Northern Railways, New Delhi have preferred this application against the order of the Central Government Labour Court, New Delhi dated 22.1.1993 in LCA No.1235/88. The applicants have prayed that this order be quashed. The first respondent, affected workman, has filed a reply.

The matter came for final hearing today. The learned counsel

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for the applicant took us through the impugned Annexure A-I order. That order makes it clear that it was passed with the consent of the representative of the management as would be clear from the following extract therefrom:

"I have heard representative for both the parties and have gone through the record. Since the basis of the present claim of the present application is the same as was in the previous application the representative for the management have very fairly stated that they would calculate the amount payable to him in the light of the order passed by my predecessor and shall examine the charts furnished by the workman in this case and accordingly if any payment becomes payable they would make the payment within two months from the date of this order. The workman representative is satisfied with this and as such it is ordered that the management shall make payment to the workman within two months in the light of the order passed by my predecessor and the management shall consider the chart filed by the workman but the payment shall be made after making fresh calculations but not beyond the terms of the order of my predecessor. If no payment is made within two months management shall be liable to pay interest @ 12%. Parties shall bear their own costs of this application".

We, therefore, wanted to know from the learned counsel for the applicants how this application is maintainable when the order has been passed by the Labour Court with the consent of the representative of the management. The learned counsel contends that the order of the Labour Court is without jurisdiction. We are unable to agree. If the respondents had any intention to challenge the jurisdiction of the Labour Court, they ought to have done before that Court instead of agreeing to have ~~passed~~ ^{as} ~~passed~~ a consented order by that court.

2. In the circumstance, we do not find any merit in the O.A. O.A. is, therefore, dismissed. No costs.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER(J)

D. V. Krishnan
(N.V. KRISHNAN)
VICE CHAIRMAN(A)