CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

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OA No.2506/93

New Delhi this the 31st Day of March, 1995.

Hon'ble Sh. N.V. Krishnan, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Union of India through

1. General Manager,
   Northern Railway,
   Baroda House,
   New Delhi-110 001.

2. The Divisional Personnel Officer,
   Bikaner Division,
   Northern Railway,
   D.R.M.'s office,
   Bikaner-334 001. ...Applicants

(By Advocate Sh. R.L. Dhawan)

Versus

1. Sh. Balwant Singh
   S/o Sh. Mauji Ram,
   Khallasi,
   C/o Station Master,
   Bikaner Division,
   Northern Railway,
   Bhiwani.

2. Presiding Officer,
   Central Govt. Labour Court,
   Ansal Bhavan - 11th Floor,
   Kasturba Gandhi Marg,
   New Delhi-110 001. ...Respondents

(By Advocate : None)

ORDER(Oral)
(Mr. N.V. Krishnan, Vice-Chairman (A))

We have heard the learned counsel for the applicants.

2. The applicants, i.e., General Manager, Northern Railway and another - Railways for short - are aggrieved by the Annexure A-1 order dated 1.10.92 passed by the Presiding Officer, Central Government Labour Court, New Delhi in L.C.A. No.248/88 on the important ground that the Labour Court has issued an

order under Section 33-C (2) of the Industrial Disputes Act, 1947 allowing the claim of the workman respect of a matter over which that Court has no jurisdiction at all. It is stated that the question of jurisdiction was raised before the Court but that was not decided. Hence, this application has been filed to quash the said order.

3. Notice has been issued to the first respondent, the concerned workman. Dasti service had been effected for the hearing on 23.2.95 when he was not present. He is also not present today. Hence, after hearing the applicant's counsel this OA is being disposed of.

4. It is pointed out that in a number of similar matters the orders of the Labour Court have been quashed on the ground of lack of jurisdiction. The claim of the applicant was in respect of difference in wages between the period 1.12.76 to 1.12.87 on the ground that he had not been paid the minimum wages for that period. There is neither any award nor any dispute raised in this regard. Nevertheless, the Labour Court has gone into the merits of the claim and awarded the claim to the extent of Rs.8,113. In the circumstances we find that the Labour Court has gone into this matter without any jurisdiction as the primary function of the Labour Court under Section 33-C(2) is only that of an

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executing Court in respect of an award already granted to the workman. The impugned order is, therefore, set aside.

(Dr. A. Vedavalli)
Member(J)
'Sanju'

31.3.91

(N.V. Krishnan)
Vice-Chairman(A)