

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA No.2690/93

(O)

New Delhi this the 23rd 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. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi-110 001.

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

...Applicants

(By Advocate Sh. R.L. Dhawan)

Versus

1. Shri Nagender Singh
2. Shri Banwari Lal
3. Shri Mohan Lal
4. Shri Daryao Singh

All working as Group 'D' employees under  
Signal Inspector, Bikaner Division,  
Northern Railway, Gurgaon.

Address

C/o Signal Inspector,  
Northern Railway,  
Gurgaon.

5. Presiding Officer,  
Central Government Labour Court,  
Ansai Bhavan, 11th Floor,  
New Delhi-110 001.

...Respondents

(By Advocate Sh. Pratap Rai, though none appeared)

ORDER (Oral)

Hon'ble Mr. N.V. Krishnan:-

The applicants have challenged the impugned  
Annexure A-1 order of the Presiding Officer Central Government  
Labour Court, New Delhi in LCA No.41/91 by which it was held  
that the deduction of travelling allowance made by the

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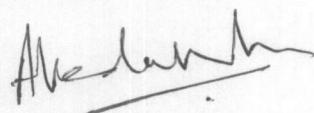
Railways was an error and that the same could not be deducted and if already deducted, the same should be refunded to the workman.

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2. An identical matter came up before this Tribunal in OA-2691/93, which was referred to by the parties on an earlier occasion on 23.11.94. That OA has been allowed with certain directions. We are of the view that in view of the submissions made by the learned counsel for the applicants, the present OA should also be disposed of with similar directions.

3. Accordingly, while allowing this OA and quashing the impugned Annexre A-1 order of the Labour Court, we remand the matter to the learned Presiding Officer to first determine the question whether the Labour Court has jurisdiction to dispose of the claim raised under Section 33-C(2) of the Industrial Disputes Act, 1947, after giving an opportunity to the workman to establish that they did have an established right to receive the travelling allowance at the rates at which they were initially paid that allowance by the Railways.

4. The O.A. is disposed of with the above directions. No costs.



(Dr. A. Vedavalli)  
Member(J)



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

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