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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA.No.2692 of 1993.

New Delhi dated this the 9th of May, 1994

Shri N.V. Krishnan, Hon. Vice Chairman(A)
Shri C.J. Roy, Hon. Member(J)

Union of India through

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

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

...Applicants

By Advocate Shri R.L. Dhawan

versus

1. Shri Sita Ram,
Gangman, Gant No.2
under C.P.W.I.
Hanuman Garh Jn.

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

...Respondents

By Advocate Shri D.P. Kshatriya though none appeared.

O R D E R (Oral)

By Hon. Vice Chairman(A) Shri N.V. KRISHNAN.

The applicants have filed this OA challenging the Annexure A-1 order dated 11.12.92 of the Central Government Labour Court, New Delhi in LCA.No.406/90, by which, the claim of the workman, the respondent No.1 herein, was allowed the payment of Rs.4443.40 ps. The contention of the applicant is that the application filed by the workman under Section 33-c(2) of the Industrial Disputes Act was not maintainable because no right of the workman had been established in regard to the claim of the above payment.

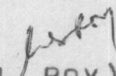
A notice has been issued to the respondent No.1 and in the meanwhile the impugned order of the labour court has been stayed for a period of 14 days and has been continued from time to time.

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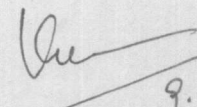
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The respondent No.1 has been served dasti on 20.1.94. He has remained absent on the last two occasions and he is absent today also. In the circumstances, we proceed to dispose of the OA after hearing the learned counsel for the applicant.

As pointed out earlier, the main thrust of the case is that the Labour Court does not have jurisdiction to entertain the workman's application, as the application made was not for execution of any award granted in his favour. The applicant states that this question was raised before the learned proceeding officer of the Labour Court. Nevertheless, the Labour Court found that for the period from 17.8.78 to 15.6.90 when the applicant was engaged as casual worker on daily wage basis, he was entitled to wages claimed by him as he performed the duties of the regular employee. This conclusion was reached on the basis of the Judgement of the Hon.Supreme Court in Dhirendra Chamoli's case (1986 (1) LLJ 134. The learned counsel pointed out that it is not for the Labour Court to give a decision in this regard. The Labour Court could have proceeded only if any other competent court had given such a declaration and that order was presented for execution. We are of the view that the Labour Court went beyond the jurisdiction in giving the declaration about the entitlement of the applicant based on the Hon.Supreme Court judgement. In the circumstances, we find that the applicant is entitled for the relief. The impugned order is therefore quashed. Application is allowed. No costs.


(C.J. ROY)
MEMBER(J)
9.5.94

/kam/


9.5.94
(N.V. KRISHNAN)
VICE CHAIRMAN(A)
9.5.94