

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

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O.A. No.634 of 1993

Dated New Delhi, the 8th April, 1994

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Hon'ble Shri B. N. Dhoundiyal, Member(A)

1. Union of India, through:
General Manager
Baroda House
Northern Railway
NEW DELHI

2. The Divisional Personnel Officer
Northern Railway
Delhi Division
Near Railway Station
NEW DELHI

... Applicants

By Advocate: Shri H. K. Gangwani

VERSUS

1. Shri Amar Nath
S/o Shri Ram Chand, Retd. Driver
Grade 'A' Delhi Loco Shed
Delhi Division
Northern Railway
NEW DELHI

2. Presiding Officer
Central Government
Labour Court, 11 Floor, Ansal Bhawan
NEW DELHI

... Respondents

By Advocate: None present

ORDER
(Oral)

Hon'ble Shri B. N. Dhoundiyal, M(A)

This case was called on 6.4.94 when no one was present on behalf of the respondents. It has been called in the revised list to-day, again no one appears on behalf of the respondents.

2. I, therefore, proceed to decide this case on the basis of pleadings on record and the submissions made by the learned counsel for the applicants.

3. The applicants have challenged an order dated 26.11.92 passed by the Presiding Officer, Central

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Government Labour Court, New Delhi whereby the applicants have been directed to pay gratuity amount of Rs.72,907.50p. to the respondent No.1 alongwith interest @12% per annum.

4. The main ground taken by the applicants is that the Labour Court themselves in the earlier para of their judgement hold that:

"In proceedings under Section 33-C(2) of the I.D. Act the jurisdiction of the court to grant any relief contrary to the statutory rules as claimed by the President of India would mean going beyond the scope and powers of this court."

In case of workmen, the provision of Gratuity Act, 1972 provides ample scope for redressal of grievances relating to delayed payment/non payment of gratuity. In case of Indian Railways, para-73 of chapter 7 of the Manual of Railway Pension, 1950 makes the necessary provision.

5. Thus, it is the contention of the applicants that the Labour Court acted without jurisdiction and their order dated 26.11.92 is liable to be set aside.

6. This Tribunal has held in a number of cases that in case of service matters, it has jurisdiction to set aside orders issued by various courts in case of Government employees. **

7. Admittedly the decision of the Labour Court in this case is without jurisdiction and it is hereby set aside. Since the applicants have been misled and ^{by} ~~had~~ ^{for} ~~reason~~ to believe that their case has already been finalised by the Labour Court, it would

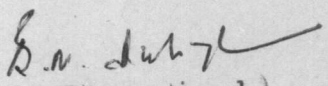
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** 1. Padmavalley & Ors. Vs CPWD (1990) 14 ATC 914 and
2. U.O.I. Vs. Siyaram & Ors. (1988) 7 ATC 28

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be in the interest of natural justice to allow
the applicants even at this stage to agitate
the matter in the appropriate court in accordance
with law.

There will be no orders as to costs.


(B. N. Dhoundiyal)
Member (A)

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