

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH : NEW DELHI

...  
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

O R D E R  
(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 Main 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 ~~had~~ <sup>by</sup> ~~had~~ <sup>by</sup> reasonable to believe that their case has already been finalised by the Labour Court, it would

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

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. Duhai*  
(B. N. Dhoundiyal)  
Member (A)

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