

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Original Application No. 479 of 1996

Allahabad this the 25th day of Sep 1996

Hon'ble Dr. R.K. Saxena, Member ( Jud. )  
Hon'ble Mr. S. Dayal, Member ( Admn. )

UNION OF INDIA through (1) The General Manager, Northern Railway, Head Quarter Office, Baroda House, New Delhi (2) D.R.M., M.B., N. Railway, and (3) Sr.D.P.O. D.R.M.'s office, N. Rly. M.B.

APPLICANTS.

By Advocate Sri G.P. Agrawal.

Versus

1. Shri Kripal Singh, adult, son of Sri Jairaj Singh, Driver Diesel/Goods Shed, Moradabad, Home Address Kothi No. 185, Chander Nagar, Moradabad.
2. The Presiding Officer, Labour Court, Dehradun.

RESPONDENTS.

By Advocate Sri J.N. Tiwari.

O R D E R

By Hon'ble Dr. R.K. Saxena, Member ( J )

This O.A. has been filed by the Union of India through the General Manager, Northern Railway and two others challenging the order dated 13.2.96 (annexure A-1) which was passed by the Presiding Officer, Labour Court, Dehradun.

2. The brief facts of the case are that Kripal Singh - respondent no.1 had instituted a claim no. 91/89 under Section 33 C (2) of Industrial Disputes Act, 1947 and had demanded the payment of an amount of Rs. 2,78,114/- alongwith 18% of interest on the ground that the present applicants had not complied with the directions of the Hon'ble Supreme Court to

give consequential benefits. The present applicants had objected to exercise the jurisdiction on the ground that the claim of the present respondents was based on the existence of a right and since the Labour Court could not adjudicate upon the existing right of the present respondents, the claim could not be entertained. This objection of the present applicants was rejected by the Presiding Officer of the Labour Court, Dehradun vide order dated 13.2.96 (annexure A-1) It was observed in the impugned order that the question whether the applicant's claim was based on the existing right or not, would be decided on hearing merits of the case. Feeling aggrieved by this order, this O.A. has been filed with the prayer of its quashment.

3. The respondents contested the case by filing the counter-reply and took the plea that no O.A. could be filed against an inter-locutory order. Besides, other points of challenge have also been taken.

4. The rejoinder has been filed by the applicant, reiterating the facts as mentioned in the O.A.

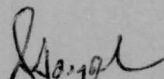
5. We have heard the learned counsel for the parties and have perused the record.

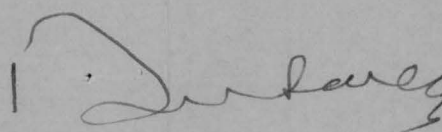
6. The question for determination in this case is whether the impugned order(annexure A-1) could be challenged by the applicants. A reading of



the impugned order goes to <sup>2</sup>show that the respondent no.2 had not outright rejected the objections taken by the applicants. What was observed, was that the question of the existing right of the applicants ( in the misc. case filed before the respondent no.2) would be decided ~~when~~ the bearing of the case on merit ~~was~~ done. It is clear law that if several grounds have been taken, opposing a particular matter before the Tribunal or the Court and one of the grounds related to the jurisdiction, the Tribunal or Court is expected to decide all issues in dispute at the same time without trying some of them as preliminary issue. This <sup>view</sup> ~~issue~~ was taken by their Lordships of Supreme Court in 'D.P.Maheshwari Vs. Administration A.I.R. 1984 S.C. 153.'

7. In view of these facts, we do not find any ground in the O.A. It is, therefore, dismissed. No order as to costs.

  
Member ( A )

  
Member ( J )

/M.M./