

(Ab)  
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Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No. 676 of 1987

J.M.L. Srivastava

....

Applicant.

Versus

D.R.M., N.Rly., Allahabad & others

....

Respondents.

Hon'ble Ajay Johri, A.M.  
Hon'ble G.S. Sharma, J.M.

This application is directed against the refusal to grant promotion to the applicant in the grade of Rs.425-640 with effect from 1.1.1981, in the grade of Rs.455-700 with effect from 1.9.1983 and in the grade of Rs.550-750 with effect from 1.1.1984 and of fixation of salary on that basis with consequential benefits.

2. On 26.2.1987 the Ministry of Labour by their order No.L-41012/86-D-II(B), after considering the matter, decided that an industrial dispute exists between the management of D.R.M., Northern Railway, Allahabad and their workman and referred it for adjudication. The Schedule in this regard reads as follows :-

"Whether the action of Northern Railway Administration in denying promotions to Shri J.M.L. Srivastava in the grade of Rs.330-560 w.e.f. January,66, in the grade of Rs.425-640 w.e.f. 1.1.81 and in the grade of Rs.455-700 w.e.f. 1.9.83 and supercession by his junior Shri A.N.Gangoli by allegedly assigning incorrect seniority is justified, fair and legal? If not, to what relief the concerned workman is entitled ?"

Thus the relief which has been sought in this application is already a subject matter of this reference which was made by the Ministry of Labour to the Labour Court. The only point which is not covered by the reference is the promotion that has been sought by the applicant in the grade of Rs.550-750 w.e.f. 1.1.84. This being related to his earlier promotion will automatically flow from the ~~earlier~~ relief whatever he gets from the Labour Court.

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3. A person is not allowed to seek two forums for the same remedy. Since the Ministry of Labour has already made a reference to Labour Court for the redressal of the grievance this application is not maintainable. It is accordingly dismissed at the admission stage.

MEMBER (J).

अग्रणी

MEMBER (A).

Dated: August 12, 1988.  
RKM/PG.