

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL. BENCH
at Allahabad.

Dated This 8th, May, 1997.

Coram: Hon'ble Dr. R.K. Saxena, JM.,
Hon'ble Mr. S. Dayal. AM.,

OA No: 938 of 1993-

- Union of India through-
1. Divisional Railway Manager, Northern Railway, Allahabad.
 2. Senior D.P.O., N. Railway, Allahabad.
 3. DSE(C) Northern Railway, Allahabad.
 4. Assistant Engineer(G) N.R. Allahabad.
 5. DEN(T), Northern Railway, Allahabad.
 6. D.M.T.I/CHC, (Engineering), N.T., Allahabad.

(C/Applicant Sri G.P. Agarwal)

... Applicant.

Versus:

1. Baij Nath Pal son of Sri Mata Badal,
2. Moti Lal son Sahdeo,
3. Hasmatullah son of Sri Nabiullah,
4. Ram Babu son of Sri Ram Prakash,
5. Ram Chandra son of Sri Bhagwat Prasad.
6. Jai Prakash Son of Sri Mewa Lal,
7. Punnu Lal son of Sri Mahabir Prasad,
8. - Peethaseen Adhikari Shram Nayayalaya, Allahabad.

.... Opposite parties.

(C/R Sri A.K. Sinha.)

Open Court.

ORDER (ORAL).

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

These two O.As have been preferred challenging the order passed by the authority under Section 33(C)(ii) of the Industrial Disputes Act. The assumption on the part of the applicant was that the jurisdiction to challenge such order, vested in this Tribunal. The position is however, changed after the judgement in Civil appeal of ' L.Chandra Kumar Vs. Union of India and Ors' JT 1997(3)SC 589 in which it was held that the supervisory jurisdiction Under Article 227 of the Constitution was vested only in the High Courts. There is no appellate forum in the Industrial Disputes Act, and therefore, if no body feels aggrieved by any order, he will have to take recourse of filing Writ Petition under Article 226 and 227 of the of the Constitution.

2. In view of this legal position, these two C.A. Nos: 481/92 and 938/93 are not maintainable before this Tribunal. They are, therefore, dismissed. The stay order passed on 7.4.1992 in C.A.No: 481/92, and on 22.6.1993 in O.A.No: 938/93 stands vacated. The applicant, if so advised may approach the proper forum even now. A copy of this judgement be placed on the other connected file and parties shall be given one copy of judgement in each of the two cases.

MEMBER(A)

MEMBER(J).