

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ADDL. BENCH
ALLAHABAD BENCH

—
DATED: The 14th day of July 1997

CORAM : HON'BLE DR. R.K.SAXENA, J.M.
HON'BLE MR. S.DAYAL, A.M.

—
ORIGINAL APPLICATION NO.459 OF 1994

Union of India through the General Manager
Northern Railway, Baroda House, New Delhi.

2. The Divisional Railway Manager,
Northern Railway, D.R.M.Office, Allahabad.

... Applicants

C/A Shri G.P.Agrawal, Adv.

Versus

1. Vishnu, son of Sewa Prasad, Mini Bus
Driver, Northern Railway,
House No.130/90/26, L-1 Bagahi (Transport Nagar)
Kanpur.

2. Presiding Officer, Central Government
Industrial Labour Tribunal-cum-Labour
Court, Kanpur.

... Respondents

C/R Shri Gautam Chaudhary, Adv.

ORDER

BY HON'BLE DR. R.K.SAXENA, J.M.-

Through this O.A. the award Annexure-3 given by the
respondent no.2 as Presiding Officer, Central Government

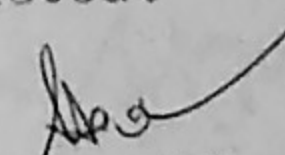
Industrial Tribunal-cum-Labour Court, Kanpur has been challenged.

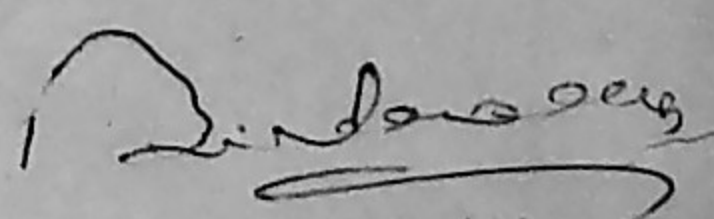
2. It appears that one Vishnu respondent no.1 was working under the applicant. He had moved an application under section 33(C) 2 of the Industrial Disputes Act claiming the difference of wages amounting Rs.22,500/- for illegal Baithki of 2½ months. The respondent no.2 considered the claim and it was held that the respondent no.1 was entitled for difference of wages between 10.3.1977 to 30.4.1981 amounting to Rs.22,500/-. Feeling aggrieved by this award, the present O.A. has been preferred which has been opposed on behalf of the respondent no.1.

3. None appears for the applicant while Shri Gattam Chaudhary counsel for the respondent no.1 is present.

4. It has been urged on behalf of the respondents that the O.A. is not maintainable and the Tribunal cannot exercise any power in this matter. He has relied on Shri L.Chandra Kumar v. Union of India ¹⁹⁹⁷⁽³⁾ S.C.C. (3) Page. 261 in which it has been held that the supervisory powers under Article 227 are exercisable by the High Court only. In view of this fact neither this O.A. is maintainable here nor can this Tribunal exercise any jurisdiction. The applicant, if so, advised, may approach the proper forum even now.

5. The O.A. stands dismissed and the interim order passed on 23.3.1994 is vacated.


MEMBER (A)


MEMBER (J)

Note

Dated 5-3-98

M.A. 631/98 may kindly be seen. This
~~was~~ M.A. has ~~been~~ filed by Sri G.P.
Agrawal learned counsel for the applicant
to dispose of the O.A. No. 459/94, U.O. 98/94
vs. Vishnu Sathy.

On this connection it may be
stated that the aforesaid O.A. was
decided on 14-7-97 by the Bench
consisting of Hon. Sr. A.K. Saxena J.M.S.
Hon. D.S. Bawazeo A.M. as dismissed.
copy of the said judgment was received
by Sri G.P. Agrawal, learned counsel for
the applicant on 13-8-97 through J.A.
section.

On the circumstances mentioned
above the M.A. 631/98 is submitted
before authorities for perusal & necessary
orders if any.

Jussuho
5-3-98

S.P.(7)

Submitted for perusal and
order please.

Ku
5/3/98

~~DR(v)~~

The M.A. no. 631/98 has now been
withdrawn by Sri G.P. Agrawal, Advocate
as not pressed on 6.3.98. Accordingly
the matter is closed.

Registrar

6/3/98
