

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the day 24th July 1997.

ORIGINAL APPLICATION NO. 300 OF 1995.

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

Hon'ble Mr. D.S. Baweja, Member (A)

Union of India through General Manager,
Northern Railway, Baroda House, New Delhi,
D.R.M. N. Rly, Allahabad and Sr. D.P.O.
N. Railway, Allahabad.

..... Applicant.

(By Advocate Shri G.P. Agarwal)

Versus

1. Shri Rajendra , S/o Shri R.N. Singh
through Shri Vinod Kumar Srivastava,
R/o 95B/33, Chak Niratul, Allahabad.

2. presiding Officer,
Labour Court, Allahabad.

..... Respondents.

(By Advocate Shri Rajeshwari Sahai)

ORDER

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

1. This Original Application has been filed
by Union of India challenging the award Annexure-A-I
given by the presiding Officer of the Labour Court,
Allahabad, in Case no. 8 of 1989 Rajendra Versus
Divisional Railway Manager, Allahabad, Under Section

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33C (2) of Industrial Dispute Act, 1947.

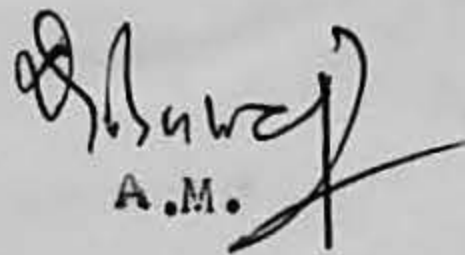
2. The facts ^{are} ~~are~~ as set out in the pleadings are that the respondent no. 1 was in the service of the applicant ^{and} ~~was~~ posted as Foreman. He retired from service on 31.10.1980 as Special Grade Driver. An amount of Rs 100/- per month was deducted from the salary of the respondent no. 1 towards Voluntary Provident Fund and thus during the period of 15.3.1966 to 30.10.1980 an amount of Rs 17,400/- was deposited but the said amount was not paid to the respondent no. 1. The matter was heard by the respondent no. 2 and concluded that the amount of Rs 17,400/- deducted towards Voluntary Provident Fund, be paid to the respondent no. 1 with interest 12% per annum. Besides, an amount of Rs 830/- which was awarded as costs on different dates was also directed to be paid. Feeling aggrieved by this award, the present O.A was preferred. The respondent no. 1 had opposed the claim of the applicant.

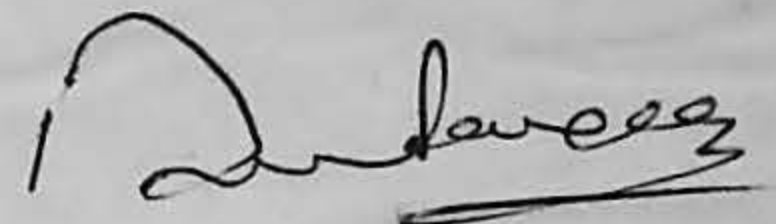
3. We ^{have} ~~had~~ heard the parties and judgement was ~~reserved~~ but before the judgement ^{could} ~~be~~ delivered, there came a decision of their Lordships of the Supreme Court in Civil Appeal no. 337 of 1996 Suraj Ram Versus Union of India in which it was held that the Tribunal has got no jurisdiction to hear any case against the award given by Labour Court. Not only this, another judgement of L. Chandra Kumar Versus Union of India 1997 (3) SCC page 261 also came in which their Lordships of Supreme Court further held that supervisory jurisdiction Under Article 227 is vested in High Court. In view of these facts, the O.A does not remain maintainable here. The

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applicant, if so advised, may approach the proper forum even now.

4. The Original Application stands dismissed and the interim stay which was granted on 7.4.1995 stands vacated.


A.M.


J.M.

am/