

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.388 OF 1995

ALLAHABAD THIS THE 17TH DAY OF JANUARY, 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN  
HON'BLE MR. S. C. CHAUBE, MEMBER-A

Dharam Pal Singh, aged about 53 years,  
Son of Late Charan Singh, resident of 438/6/1,  
Suman Vihar, Near Stadium, South Civil Lines,  
Muzaffar Nagar.

.....Applicant.

( By Advocate Shri N.K. Nair, & Shri M.K. Upadhyay )

Versus

1. Union of India, through the Secretary,  
Ministry of Defence, Government of India,  
New Delhi.
2. Director General of Ordnance Services,  
Directorate General of Ordnance Services,  
Master General of Ordnance Branch,  
Army Head Quarters, DHQ P.O. New Delhi-110011-
3. Officer-in-charge, A.O.C. (Records),  
Post Box No.3, Trimulgherry,  
Post Secunderabad-500015.
4. Commandant, Central Ordnance Depot,  
Agra-282009.
5. Commandant, Central Ordnance Depot,  
Kanpur.
6. The Secretary, Ministry of Labour,  
Government of India, New Delhi.

.....Respondents

( By Advocate Shri A. Mohiley )

(Ran)

ORDER

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

Challenger herein to the validity of Punishment order no.6959764/SK/DC-91/A2/Civ/CA-6/51 dated 27.05.1993 passed by the Officer-in-Charge, AOC (Records), Secunderabad imposing on the applicant the penalty of DISMISSAL FROM SERVICE in the Army Ordnance Corps, and also the decision of the Central Government not to take any action on the failure of the conciliation report sent by the Regional Labour Commissioner (Central), Kanpur, in the matter of the industrial dispute raised by the C.O.D. Chaturth Shreni Mazdoor Union, Agra, on the alleged ground that the activities of the C.O.D. are sovereign in nature and the provisions of the Industrial Disputes Act are not applicable to the C.O.D., as communicated to the applicant by the letter of the Desk Officer, Ministry of Labour, Government of India, New Delhi dated 11.2.1994 and the Appellate Order No.8/12060/910/05-8C(2) dated 18.01.1995 (Annexure A-3), passed by the Director General of Ordnance Services, New Delhi, rejecting the appeal preferred by the applicant against the punishment order, be quashed.

It is not disputed, the applicant had preferred a writ petition in the Hon'ble High Court and the Hon'ble High Court was pleased to direct the Central Government to make a reference to the Industrial Tribunal. The Central Government had since made a reference to the Industrial Tribunal, Shri A. Mohiley, learned counsel for the respondents, it is stated had been called upon to file their written statement ~~in~~ referring letter no.22659/WP-11467/98/DPS/Estt Co- Ord dated 20.11.2004.

*(Signature)*

2. Shri N.K. Nair, learned counsel for the applicant does not dispute the competence of the reference made to the Industrial Tribunal. It is also submitted by him that nothing in the Administrative Tribunal's Act, 1985 bars the jurisdiction of the Central Industrial Tribunal/ Labour Court to adjudicate the dispute referred to the Industrial Tribunal by the Central Government. In that view of the matter the O.A. is liable to be dismissed without prejudice to the rights and contention of the parties and with liberty to the applicant to pursue the matter pending before the Industrial Tribunal-cum-Labour Court, Lucknow. The latter it is expected shall decide the dispute as early as possible.

3. Accordingly, the O.A. is dismissed subject to the above direction/observation. No costs. A copy of the order be made available to the counsel for the parties.

*Shankar*  
Member-A

*Regd*  
Vice-Chairman

/ns/