

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

O.A.NO./724/93

DATE OF DECISION : 11/10/99

Mr.B.S.Dadwal : Petitioner [s]

Mr.K.K.Shah : Advocate for the petitioner [s]

Versus

Union of India Respondent (s)

Mr.N.S.Shevde Advocate for the Respondent (s)

CORAM

THE HON'BLE MR. V.RAMAKRISHNAN : VICE CHAIRMAN

THE HON'BLE MR A.S.SANGHAVI : MEMBER [J]

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the judgment? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the judgment ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

B.S.Dadwal,
 Presently working as Inspector of Works,
 C/o Secretary,
 S.Natesan Iyer,
 W.R. Employees Union,
 Mehamadabad.

Applicant

Advocate Mr.K.K.Shah

Versus

1. Union of India, Through :
 General Manager,
 Western Railway
2. Chief Engineer,
 Survey & Construction,
 W.R. H Q Office,
 Bombay.
 Notice to be served through:
 The General Manager,
 H Q Office, W.Rly.,
 Churchgate, Bombay.

Respondents

Advocate Mr.N.S.Shevde

J U D G M E N T

IN

O.A.NO.724/93

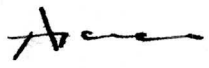
Dt. 11/10/99

Per Hon'ble Mr.A.S.Sanghavi Member [J]


The applicant who was serving as Sub Overseer Mistry was retrenched by the Executive Engineer [Construction] Kota on dated 16.9.74 and being aggrieved by the order had moved the Labour Court at Bombay under the Industrial Disputes Act challenging his retrenchment. The Labour Court vide order dated 12.9.85 declared the applicant's retrenchment as illegal and directed the respondents to pay the back wages. The applicant's grievance is that the order of the Labour Court is not implemented by the respondents and since during the pendency of the labour case, he had accepted the work of Tally Clerk and was also promoted there, he had not taken any steps to implement the order till 1987. He had then moved the O.A.531/87 before the Administrative Tribunal and the Tribunal had directed the General Manager to consider the representation of the applicant. According to the applicant, his representation has not been duly considered by the General Manager and the same has been rejected without any reasons. He has now sought to implement the Labour Court's order by filing this O.A. and has prayed that his service may be considered as a continuous service as his retrenchment was held to be illegal by the Labour Court.

2. It is quite obvious from the relief prayed by the applicant that he is seeking the implementation of the order of the Labour Court. However, it is now well settled by the decision of the supreme court in the case of Ajay D.panalkar Vs. Management of Pune Telecom Department, reported in 1999 Lab I.C. 221, that the Administrative Tribunal does not have the jurisdiction to consider the cases arising out of the Industrial Disputes Act and the Administrative Tribunal cannot entertain the application for implementation of the order of the Labour Court. In view of this position, this application being not entertainable by us, the applicant is required to be directed to move the appropriate forum and the application requires to be returned back to the applicant.

3. Hence, the application is disposed of with a direction to return the application to the applicant for moving the appropriate forum. A copy of the application be retained for records. No order as to costs.


[A.S.SANGHAVI]
Member [J]

S.Solanki


11/09/1998
[V.RAMAKRISHNAN]
Vice Chairman