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P.C.Mohanty-Vrs-SAIL

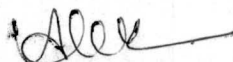
ADMISSION Sl.No.4
OA No.260/00350/2014
Order dated -15.5.2014.

CORAM
THE HON'BLE MR.A.K.PATNAIK, MEMBMER (JUDL.)
THE HON'BLE MR. R.C. MISRA, MEMBER (ADMN.)

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Heard Mr.S.B.Jena, Learned Counsel for the Applicant and perused the records. As it reveals from the records, the applicant while working as operator/technician in Steel Melting SHOP II Department was charge sheeted for his conduct unbecoming on the part of an employee of the SAIL and finally, he was removed from service vide order dated 16.1.2009 with immediate effect. The said order was also confirmed by the Learned Presiding Officer, Industrial Tribunal, Rourkela in exercise of the power conferred under section 33 -2 (b) of the Industrial Disputes Act, 1947 vide order dated 30th December, 2013 in Industrial Misc. Case No.1/09. Being aggrieved by the said action the instant OA has been filed by the applicant seeking to quash the order dated 30.12.2013 passed by the Learned Presiding Officer, Industrial Tribunal, Rourkela with further direction to the Respondents to consider his representation at Annexure-A/5.

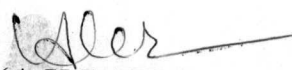
2. A doubt has arisen on the competency and jurisdiction of this Tribunal to interfere in the order passed, in exercise of the power conferred under section 33 -2 (b) of the Industrial Disputes Act, 1947 by



the Learned Presiding Officer, Industrial Tribunal on 30th December, 2013 in Industrial Misc. Case No.1/09 and on being asked Mr.S.B.Jena, Learned Counsel appearing for the applicant submitted that the SAIL having been come within the jurisdiction of this Tribunal by the notification issued by the Government of India, service grievance of the employees is amenable to this Tribunal. But we are not convinced by the aforesaid contentions advanced by Mr.Jena as this Tribunal lacks jurisdiction to decide an order passed in exercise of the power conferred under section 33 -2 (b) of the Industrial Disputes Act, 1947 by the Learned Presiding Officer dated 30th December, 2013 in Industrial Misc. Case No.1/09. Had he challenged the order dated 16.01.2009 passed by the SAIL this Tribunal could have entertained and decided the matter but the said order has not been challenged by the applicant earlier to this OA nor even in this.

3. Keeping in mind the facts and the provisions of Section 20 of the A.T. Act, 1985 this Tribunal lacks jurisdiction to entertain this OA. This OA is accordingly dismissed. There shall be no order as to costs.


(R.C.MISRA)
Member(Admn.)


(A.K.PATNAIK)
Member (Judl.)