

Central Administrative Tribunal, Circuit Bench,

Lucknow.

Registration (O.A. No. 289 of 1990.)

Dhanai Prasad

... Petitioner

Vs.

Sr. Divisional Accounts Officer,
Northern Railway, Lucknow, & Others

Opp. Parties

Hon'ble Mr. Justice K. Nath, VC,

Hon'ble Mr. M.M. Singh, AM

J U D G M E N T

(Delivered by Hon'ble Mr. Justice K. Nath)

We have heard the learned counsel for the applicant. It appears that in the matter of rotational transfer of the staff, orders were issued on 28-6-1990 (Annexure-1), whereby the applicant was posted to another seat in the same office. The applicant made a representation on 5-7-1990 which was disposed of by an order dated 25-7-90 (Annexure-6) and thereafter reconciliation proceedings under the Industrial Disputes Act were started. The Assistant Labour Commissioner, who drew the conciliation proceedings issued notice dated 23-7-1990 to the respondents for conciliation on 13-8-1990. The learned counsel for the applicant says that those conciliation proceedings are still pending. However, according to para VIII (7) of the petition, the applicant has approached this Tribunal because according to him, the conciliation proceedings before the Assistant Labour Commissioner are time consuming process. We are not satisfied that it would be a proper action for ignoring the conciliation proceedings and approach

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this Tribunal. The settled law is that the petitioner should exhaust the alternative remedy. Since the conciliation proceedings are pending, it is premature for this Tribunal to act in the matter. The petition is dismissed as premature.

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(A.M.)

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(V.C.)

Dated : Lucknow

September 12, 1990.

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