

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

C.A. No.

T. A. No. 477 of 1987.

198

DATE OF DECISION

3.7.90.

Ibrahim Laloo

Petitioner

Mr. D. V. Gangal,

Advocate for the Petitioner(s)

Versus

Union of India and others

Respondent

Shri V.G. Rege,

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. G. Sreedharan Nair, Vice Chairman.

The Hon'ble Mr. P. S. Chaudhuri, Member(Admn).

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

g
(G. Sreedharan Nair)
Vice Chairman.

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW BOMBAY BENCH
NEW BOMBAY

T.R. 477/87.

Ibrahim Laloo Applicant.
versus
Union of India and others... Respondents.

P R E S E N T :

The Hon'ble Sri G.Sreedharan Nair, Vice Chairman

The Hon'ble Shri P.S.Chaudhuri, Member(Admn)

For the applicant- Shri D.V.Gangal, Advocate.

For the respondents- Shri V.G.Rege, Advocate.

Date of hearing- 29.6.90

Date of Judgment & Order- 3.7.90.

JUDGMENT & ORDER :

G.Sreedharan Nair, Vice Chairman :

This relates to Writ Petition No.2651/83
on the file of the High Court of Bombay, which has been
received on transfer.

2. The applicant, an employee under the Central Railway who was retired from service on superannuation from 1.4.1980 has filed this application to direct the 3rd respondent to admit the matter in conciliation and submit a failure report, and the 4th respondent to refer the dispute to the Central Government Industrial Tribunal, Bombay. According to the applicant, his date of birth recorded in the service record is 21.3.1922 is wrong while his correct date of birth is 4.1.1926. It is alleged that the attempts made by him to have the date of birth corrected have not been successful and hence the application.

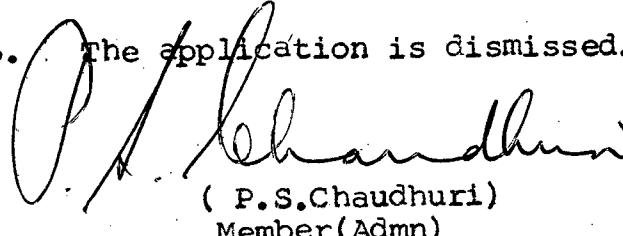
3. The respondents 1 and 2 have filed a reply where it is stated that the recorded date of birth is correct and the application is not maintainable on account of delay and laches, as the applicant had applied for

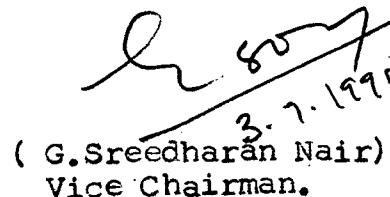
correction of date of birth only at the fag end of his service.

4. Though the respondents 3 and 4 have not filed any reply, the reliefs claimed by the applicant invoking sections 10 and 12 of the Industrial Disputes Act, for short, the Act, cannot be allowed as the aforesaid sections can have application only where there is an industrial dispute. In view of section 2A of the Act, where an employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workers is a party to that dispute. Retirement on superannuation based on the recorded date of birth does not amount to termination of service of the workman, and a grievance on the part of the workman in connection with the same cannot be said to be an industrial dispute so as to attract section 2A of the Act. It may be noted in this context that cases of retirement on superannuation are specifically excluded from the definition of "retrenchment" in section 2(oo) of the Act.

5. Counsel of the applicant invited our attention to the decision of a Bench of this Tribunal in TR 13/88 delivered on 5.6.1990. That is not a case of retirement of an employee on superannuation and hence the direction issued therein for proceeding in accordance with sections 10 and 12 of the Act is of no avail.

6. The application is dismissed.


(P.S. Chaudhuri)
Member (Admn)


In 807
3.7.1990
(G. Sreedharan Nair)
Vice Chairman.