

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT SITTINGS AT AURANGABAD.

~~XXXXXXXXXXXX~~

~~XXXXXXX~~  
O.A. No.

198

T.A. No.

435 of 1987

DATE OF DECISION 26.6.1989

Shri Mukund G. Tilwankar. Petitioner

Shri V. Upadhye. Advocate for the Petitioner(s)

Versus

Divisional Railway Manager & Others Respondent

Shri H.K. Munde (for Mr. N.P. Chaplagaonkar) Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.B. Mujumdar, Member(J),

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

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(13)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT SITTINGS AT AURANGABAD  
-----

TRANSFERRED APPLICATION No.435 OF 1987.

Shri Mukund G.Tilwankar,  
Draftsman,  
South Central Railway,  
Jalna.

... Applicant

V/s.

- 1) Divisional Railway Manager,  
South Central Railway,  
Secundrabad.
- 2) The General Manager,  
South Central Railway,  
Rail Nilayam,  
Secundrabad.
- 3) Shri M.A.Deshpande,  
Presiding Officer,  
Central Government  
Industrial Tribunal No.2.  
Bombay.

... Respondents.

Coram: Hon'ble Member(J), Shri M.B. Mujumdar  
Hon'ble Member(A), Shri P.S. Chaudhuri

Appearance:

- 1) Shri Vinayakrao Upadhye,  
Advocate, for the  
applicant.
- 2) Shri H.K.Munde  
(for Shri N.P.Chapalgaonkar)  
Advocate for the  
respondents.

ORAL JUDGMENT:

Dated: 26.6.1989.

[Per: Shri M.B.Mujumdar, Member(J)]

On 8/17.4.1980 the applicant had filed an application before the Central Government Industrial Tribunal-cum-Labour Court No.2, Bombay under Section 33-C(2) of the Industrial Disputes Act. It was numbered as LC-2/3 of 1980. The request of the applicant was for fixing his pay as per the Railway Board's Letter No.PC. III/77/ROP/2/22 of 17.11.1978. His grievance was that

....2/-

*Ph*

he was loosing an amount of Rs.30/- per month. The Presiding Officer, Central Government Labour Court No.2, Bombay after considering all the arguments rejected the application with no order as to costs, by his judgment dated 24.5.1982.

2. No appeal or revision is provided for in the Industrial Disputes Act against the order of the Central Government Industrial Tribunal. Hence the applicant filed Writ Petition No.185/1983 in the Aurangabad Bench of Bombay High Court under Article 227 of the Constitution. As the jurisdiction of High Court is given to this Tribunal in specified matters by the Administrative Tribunals Act, 1985 the Writ Petition is transferred to this Tribunal under Section 29 of this Act.


3. We have just now heard Mr.Vinayakrao Upadhye, learned advocate for the applicant and Mr.H.K.Munde, holding the brief of Mr.N.P.Chapalgaonkar, learned advocate for the respondents.

4. Under Article 227 every High Court is given power of superintendence over all Courts and Tribunals throughout the territories within its jurisdiction. This power of superintendence is conferred on every High Court in order to see that all the courts and tribunals within its territorial jurisdiction do what they are required to do and that they do it in a legal manner. The case law shows that High Courts can interfere in excepetional cases only, such as when the Court or Tribunal has assumed jurisdiction erroneously or in excess of it or refused to exercise jurisdiction which it had it, or if the order is passed in violation of the principles of natural justice or when the finding is perverse or based on no material or evidence.

(15)

5. After hearing Mr. Upadhye, learned advocate for the applicant, at length we are unable to find any ground for interfering with the order passed by the Presiding Officer of the Central Government Industrial Tribunal No.2, Bombay. The applicant himself had approached that Tribunal. Though the jurisdiction of that Tribunal was challenged on behalf of respondents, that Tribunal has held that it had jurisdiction though it was some what limited. The applicant's claim was for stepping up his pay and bringing it on par with the pay of one Shri S.B. Naik who was his junior. But the Tribunal has rejected this claim by pointing out that Shri S.B. Naik was getting higher pay because he had been granted an increment because he did not participate in the 1974 strike. It was not disputed that the applicant had participated in that strike.

6. In fact, the Presiding Officer of the Tribunal has considered the case of the applicant in all its aspects as raised before him. It is impossible to hold that his findings or order is in any way perverse. If the applicant has any other case, that is something that he has to raise separately before the appropriate forum in accordance with the law and the rules and instructions on the subject. Hence we find no justification for interfering with the order passed in application No. LC-2/3 of 1980 and hence dismiss Tr. Application No. 435/87, i.e. Writ Petition No. 185 of 1983, with no order as to costs.



(P.S. CHAUDHURI)  
Member(A)

  
(M.B. MULJUNDAR)  
Member(J)