

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Tr. Application No.179/36

The National Radio & Electronics
Company Limited,
Mahakali Road, Chakala,
Andheri,
Bombay.400 093.

... Petitioner.

V/s.

1. Smt. Ivy Vasant Mohite,
Pednekar Chawl,
Wakola Pipeline,
Siddharth Nagar,
Bombay.400 059.
2. M.R.Bhope,
Presiding Officer,
1st Labour Court,
at Bombay, Tardeo,
Bombay.400 034.

... Respondents.

Coram: Vice-Chairman B.C.Gadgil,

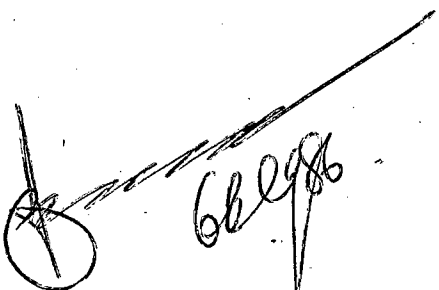
Member J.G.Rajadhyaksha,

Order (Per J.G.Rajadhyaksha, Member)

Dt. 10.6.1986

Writ Petition No.2225/85 on the file of the High Court of Judicature at Bombay came to be transferred to this Tribunal, in the course of transfer of pending matters over which the High Court ceased to have jurisdiction with the constitution of the Central Administrative Tribunal. The records and proceedings that were received were scrutinised and it transpired that this particular matter was entirely one between M/s.The National Radio & Electronics Company Limited, a public limited company and its employees. The Presiding Officer of the Labour Court in Bombay was also added as a formal party.

...2.

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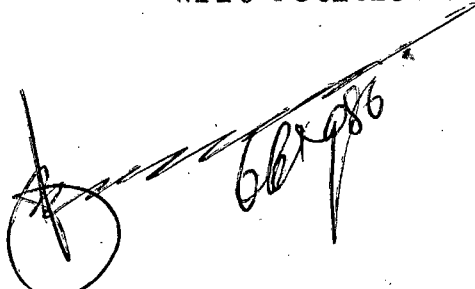
2. A perusal of the record further showed that the said Writ Petition was dismissed by the High Court on 26.11.1985 and there was no indication whatsoever that it had been restored to the file.

3. Since however, it appeared that the dispute between a private party viz. a Public Limited Company and its employees could not be adjudicated upon by this Tribunal, for lack of jurisdiction over such matters, a notice was issued to the Original Petitioners M/s. National Radio & Electronics Co. Ltd. to appear in the Tribunal on 23.6.1986 and put in their say on these aspects of the matter.

4. M/s. National Radio & Electronics Co. Ltd. have replied to the notice dated 29.4.1986 by their letter dated 22nd May, 1986 stating that the matter was indeed one between a Public Limited Company in the Private Sector and its employees, and the matter was pending before the Presiding Officer of the First Labour Court, Government of Maharashtra, at Tardeo in Bombay. The letter further added that the case is, perhaps, wrongly referred to the Central Administrative Tribunal, which has no jurisdiction over the matter.

5. In the light of this letter, it is not necessary to hear the Applicant (Original Petitioner) on 23.6.1986 and a decision can be given straightaway. Whether the Writ Petition was dismissed and restored has no relevance

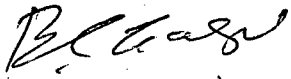
....3.

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to the matter at this stage, because it is clearly not a litigation which can be entertained by the Central Administrative Tribunal under any of the provisions of the Administrative Tribunals' Act, 1985.

6. As the records and proceedings seem to have been transferred to the Administrative Tribunal, New Bombay Bench, by error, it is hereby directed that the records and proceedings be re-transmitted to the High Court of Judicature at Bombay for further suitable disposal.

7. Copies of this order be sent to the Original Petitioner and the Respondents for their information and necessary action.


(B.C. GADGIL)
VICE - CHAIRMAN.


(J.G. RAJADHYAKSHA)
MEMBER.