

O. A. 892/89

Tribunal's Order:

Dated: 21.6.1993.

We have heard the learned counsel for the applicants Mr.A.G.Abhyankar and for the respondents Mr.A.I.Bhatkar, at a considerable length. As the arguments by both the learned counsels were at the concluding stages, it has come to light that on this very issue there are two Judgments, one by this Bench of the Tribunal and the other by the Madras Bench of the Tribunal in O.A. 249/89. This Bench of the Tribunal in O.A. No.33/90 held that the date of implementation of the Award of Arbitration Board should reckon from 1.1.1988. The reason adopted was that the award of the Arbitration Board was placed before the Lok Sabha and the Resolution moved before the Lok Sabha was passed by a sitting on 13.10.1989 to modify the date of implementation of the Award from 22.9.1982 to 1.1.1988. This aspect of the matter came to be considered by the Madras Bench of the Tribunal. The Madras Bench however, held that as the matter was placed before the Parliament outside the limit of six months it did not make any difference to the merits of the case and that the Arbitration Award is bound to be given effect from 22.9.1982.


2. In view of these two divergent <sup>and</sup> indifferent views of the Bombay Bench and the Madras Bench of this Tribunal we would have ~~normally~~ ordinarily referred this matter to a Larger Bench for adjudication. However, it has been brought to our notice that an SLP filed against the decision of the Madras Bench is under consideration before the Hon'ble Supreme Court. Under these circumstances, it would be appropriate that if we await the decision of the Supreme Court in the matter.


3. The learned counsel for the applicant contended that the prayer in this Original Application is for grant of the benefit to the applicants w.e.f. 1.1.1973 and therefore, this matter could be decided by this Bench as the prayer is not

....2.

2 identical <sup>to that</sup> ~~then~~ <sup>was</sup> which were before the Bombay Bench/Madras Bench. We are not inclined to accept this contention, as already stated, <sup>it</sup> ~~It~~ would be more appropriate if this matter is finally adjudicated and decided after we have the benefit of the Supreme Court decision in the SLP that is now before the Supreme Court.

4. List for final hearing on 30.8.1993. As one of us may not be available on this Bench, the case may not be treated as part heard.

  
(V.D. DESHMUKH)  
MEMBER (J)

  
(A.B. GORTHI)  
MEMBER (A)

B.