

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PRESOCOT ROAD, MUMBAI-1

O.A. Nos.1) 682/93

- 2) 99/96
- 3) 977/95
- 4) 1107/95
- 5) 1387/95
- 6) 1388/95
- 7) 102/96
- 8) 114/96
- 9) 164/96
- 10) 169/96
- 11) 733/93
- 12) 734/93
- 13) 41/96
- 14) 42/96 AND
- 15) 1484/95

(FIFTEEN ORIGINAL APPLICATIONS)

Dated : THIS 26th DAY OF AUGUST, 1996

Coram : Hon. Shri B.S. Hegde, Member (J)

Hon. Shri M.R. Kolhatkar, Member (A)

O.A. No. 682 of 1993:

- 1. The Union of India  
Owing and representing  
Western Railway  
through G.M. Western Railway
- 2. The Divisional Railway Manager  
Western Railway, Bombay Central  
(By Adv. Mr. M.S. Ramamurthy) ..Applicants

V/S.

1. Shriram S. Pandey )
2. S.A. Chavan )
3. Nasuruddin M. )
4. L.M. Vadhwa )
5. P.B. Nerurkar )
6. Biswas D. )
7. M.P. Sawant )
8. Rajan S. Nair )
9. R.S. More )
10. J.M. Gharat )
11. S.M. Gegan )
12. Gopal Swamy )
13. E.L. Kapse )
14. Money Pinto )
15. Manohar Singh )
16. Dilawar Singh )
17. S.S. Yusuf )
18. Nane Morji )
19. E.T. Mathew )
20. Y.R. Hinge )
21. Sudhir Gayanand )
22. E.H. Patil )
23. E.P. Fernandez )
24. John Sones )
25. Dev. Nair R. )
26. D.P. Kale )
27. P.D. Apshankar  
Presiding Officer  
CGLC No.2 Bombay

1 to 26 Respondents  
ACC I/C & Attendant  
working under Shop  
Sudtt. RAC Western  
Railway  
Bombay Central

(Respondents 1 to 26  
by Adv. G.K. Masand)

.. Respondents

O.A. No. 99 of 1996 :

General Manager  
India Security Press  
and Currency Note Press  
Nasik Road, Nasik

(By Adv. Mr. Sureshkumar  
for Counsel Mr. M I Sethna)

.. Applicant

V/s.

1. Workmen through the  
General Secretary of the  
India Security Press and  
Currency Note Press Staff  
Union
2. The Presiding Officer  
The Central Government  
Industrial Tribunal, Bombay

(Respondent No.1 Union by  
Adv. Mr. S.M. Dharap)

.. Respondents

O.A. No. 977 of 1995 :

General Manager,  
Currency Note Press  
Nasik Road, Nasik

(By Mr. P.M. Pradhan,  
Govt. Standing Counsel)

..Applicant

Laxman Shankar Khode  
residing at Nagchowk  
Khode Chawl, Panchwati  
Nasik

(By Adv. Mr. S.M. Dharap)

..Respondent

O.A. No. 1107 of 1995 :

1. Union of India  
owing and representing  
Western Railway,  
through General Manager  
Western Railway,  
Churchgate, Bombay Central

(By Adv. Mr. P.M.A. Nair)

..Applicant

v/s.

1. The Paschim Railway  
Karmachari Parishad,  
represented through  
Divisional Secretary,  
32 A, Chhapra Building  
R.K. Vaidya Marg  
Dadar, Bombay 400028
2. Shri M.G. Sindharkar  
Presiding Officer  
Central Govt. Industrial  
Tribunal, No.1 City Ice  
Building, P.Nariman Street,  
Bombay

(Respondent No.1 by Adv.  
Mr. S.M. Dharap)

..Respondents

O.A. No. 1387 of 1995 :

Divisional Railway Manager  
Central Railway, Bombay V.T.  
(By Adv. Mr. S C Dhawan)

..Applicant

v/s.

1. R.P. Yadav  
Shantabai Chawl  
Nasarani Halv Phool  
Kurla (W), Bombay 70
2. Shri R.G. Sindhakar  
Presiding Officer  
Central Government Labour  
Court No.1, Bombay
3. Prakash N. Deshpande
4. Rajbali Baijnath Yadav
5. Ratnakar Changanrao
6. Habibuddin Jamammuddin
7. G.B.V. Murthy
8. B. C. Patel
9. M.H. Patil
10. Vasant Sakharam
11. Dilbhadrur Khodkar
12. Inder Ali Kassim Shaib
13. Sudhakar Dejappa
14. S.D. Waradkar
15. Dyandeo Krishnaji
16. Krishna Sakharam
17. C. Thongaswamy
18. Ahmed Nuran
19. G.D. Kulkarni
20. Sitaram Korde
21. Shankar Dasappa
22. Raghu Banch Gangaram
23. Prayagduth Kalpnath
24. Smt. Kansalyabai Digambar Bhose
25. R.C. Sharma
26. Shyam Sundar Tripathi
27. Prabhu Singh Ramlagan Singh
28. Raghunath Tukaram
29. Bajirao Shripat
30. C. Vishwanath
31. Manohar Bhaurao
32. S.B. Nagpure
33. N.P. Pagar
34. Baliram B. Patil
35. Shantaram V. Patil
36. A.B. Alphanso
37. B.M. Jagtap
38. M.G. Jadhav
39. Pandurang Mangal
40. ~~Encies~~ D8Silva
41. M.B. Singh
42. Shivaji Shyamrao

(By Adv. Mr. G.K. Masand)  
(for respondents 1 & 3 to 42)

..Respondents

O.A. No. 1388 of 1995 :

Divisional Railway Manager  
Central Railway, Bombay V.T.  
(By Adv. Mr. S.C. Dhawan)

..Applicant

1386 /95 contd.

V/s.

1. M.H. Patil  
Sai Kripa, Room No.6  
Ganesh Nagar, Behirkar  
Pada, Taluka. Kalyan,  
Dist. Thane 421301
2. Shri R.G. Sindhakar  
Presiding Officer  
Central Government Labour  
Court No.1, Bombay
3. Dhondiram Shripat
4. Vasant Sakharan
5. Baliram Bhiwa
6. Ahmed Meoran
7. Ramnath Inaderdeo
8. Subramaniam Kanappan
9. M.G. Jadhav
10. Ramchandra Shiveram
11. Krishnaji Sakharan
12. M. Thangappan
13. Kamala Singh K. Singh
14. C. Thangaswamy
15. Dnyandeo Krishnaji
16. Henry J. Rego
17. Sahebrao Sakharan
18. Sudhakar Dejappa
19. Francis D'Silva
20. Baban Dattate
21. R.P. Yadav
22. Shivaji Shamrao
23. B.N. Jagtap
24. Prayadut Kalpanath
25. Raghubanch Gangaram
26. Dilbadur Khadka
27. S.B. Nagpure
28. C. Vishwanath
29. S.D. Varadkar
30. M.B. Singh
31. Sham Sunder Tripathi
32. Krishnappa Nijalingappa
33. Janardhan Shinde
34. Digambar Damodar
35. Pandurang Mangal
36. G.D. Kulkarni
37. Hanumantha T. Deshmukh
38. M.M. Kolhatkar
39. S.V. Godambe
40. Narsappa Jakirappa
41. Shantaram N. Patil
42. P.N. Deshpande
43. V.N. Shetty

1388/95 contd.

- 44 Laxman Ramji
- 45 Ramdas Shridhar
- 46 Prabhu Singh
- 47 Inderali Kassim Saheib
- 48 Manohar Bhauraao Jadhav
- 49 Rajbali Baijnath Yadav
- 50 C.T. Chandran
- 51 Shankar Basappa
- 52 Satya Prakash Dube
- 53 G.B.V. Murthy
- 54 Abdul Hakim
- 55 N P Pagare
- 56 Sadashiv Y. Mirge
- 57 Habibuddin Imamuddin
- 58 Ratankar Chhaganrao
- 59 Urban Naronhna
- 60 R.C. Sharma
- 61 Papaji Shankar
- 62 J Y Kulkarni
- 63 Balchandra C. Patil

(By Adv. Mr. G.K. Masand)  
(for respondents 1 & 3 to 63)

..Respondents

O.A. No. 102 of 1996 :

- 1. Union of India  
through General Manager  
Western Railway  
Headquarter Office  
Old Building, Churchgate  
Bombay 400020
- 2. Divisional Railway Manager  
Western Railway, Bombay Division  
Bombay Central  
Bombay 400008

(By Adv. Mr. V.S. Masurkar  
Govt. Counsel)

..Applicants

V/s.

- 1. Nandkumar R. Hudder  
C/o. Divisional Secretary  
Paschim Railway Karmachari  
Parishad, Chha pra Building  
R K Vaidya Marg, Dadar (W)  
Bombay 400028
- 2. S.B. Panse  
Presiding Officer  
Central Govt. Industrial  
Tribunal No.2, Bombay  
(By Adv. Mr. S.M. Dharap)

..Respondents

O.A. No. 114 of 1996 :

1. The President  
Industrial Staff Union  
Office 25, Ibrahim Mansion,  
Dr. Ambedkar Road  
Parel, Bombay 1
2. Jaywantrao Yeshwantrao  
Asstt. B.K. C/o. I.G. Mint,  
Mumbai 400023

(By Adv. Mr. D V Gangal)

..Applicants

v/s.

1. The Union of India  
through Secretary,  
Ministry of Finance  
Department of Economic Affairs  
New Delhi
2. The General Manager  
India Govt. Mint  
Mint Road, Fort  
Bombay 1
3. The Presiding Officer  
The Central Govt. Industrial  
Tribunal No.2, City Ice  
Building, Perin,  
Nariman Street, Fort,  
Bombay 23

(By Mr. Sureshkumar for  
Mr. M.I. Sethna, Senior  
Govt. Standing Counsel)

(For Respondents 1 & 2 only)

..Respondents

O.A. No. 164 of 1996 :

The Chief Commercial Supdtt.  
Central Railway, Bombay V.T.  
(By Adv. Mr. S.C. Dhawan)

..Applicant

v/s

1. D N Abhaulia  
19 Manik Villa Colony  
M.G. Road, Gwalior  
474002, M.P.
2. Shri R.G. Sindhakar  
Presiding Officer  
Central Government  
Labour Court No. Bombay  
(Res. No. 1 By Adv. Mr. S M Dharap)

..Respondents

O.A. No. 168 of 1996 :

The Chief Commercial Supdtt.  
Central Railway  
Bombay V.T.

(By Adv. Mr. S.C. Dhawan)

..Applicant

V/s.

1. D.M. Pathak  
Ganesh Smruti  
Jogalekar Wada  
Neral, Dist. Raigad

2. Shri R.G. Sindhakar  
Presiding Officer  
Central Govt. Labour  
Court No.1, Bombay  
(Respondent No. 1 by  
Adv. Mr. S M Dharap)

..Respondent

O.A. No. 733 of 1993 :

1. The Union of India  
Owning and representing  
Western Railway  
through G.M. Western Railway

2. The Divisional Railway Manager  
Western Railway, Bombay Central  
(By Adv. Mr. M.S. Ramamurthy)

..Applicants

V/s.

1. Shri Narsingh R.  
2. B.A. Naik  
3. Dharampal Singh  
4. I.S. Rana  
5. K. Radhakrisan  
6. Pandurang B.  
7. Syed Qamar  
8. A.D. Kamble  
9. M.J. Patel  
10. Pusphanathan K.  
11. M.J. Kani  
all ACC I/C and Attendant  
working under Shop Supdt.  
RAC, Western Railway,  
Bombay Central

(By Adv. Mr. G.K. Masand)

12 Shri P D Apshankar  
P.C., CGLC No.2, Bombay

..Respondents

O.A. No. 734 of 1993 :

1. The Union of India  
owning and representing  
Western Railway  
through G.M. Western Railway  
Bombay
2. The Divisional Railway Manager  
Western Railway, Bombay Central

(By Adv. Mr. M.S. Ramamurthy)

..Applicants

V/s.

1. N K Nagwekar
2. D L Bondikar
3. J Y Raut
4. Anand Sherkar
5. Partap S.
6. B D Manchekar
7. S S Gawas
8. K S Parmar
9. Govind Santo
10. A B Pawaskar
11. Sitaram D.
12. Konadiram L.
13. S S Gawade
14. K B Kharat
15. P T Gharat  
All ACC I/C & Attendant  
working under Shop Supdt  
RAC Western Railway,  
Bombay Central  
(By Adv. Mr. G K Masand)

16. Shri P D Apshankar  
Presiding Officer  
CGLC No.2, Bombay

..Respondents

O.A. No. 41 of 1996 :

1. Union of India  
owning and representing  
Western Railway through  
the General Manager  
Western Railway  
Churchgate, Bombay 20
2. The Divisional Railway  
Manager, Western Railway  
Bombay Division, Bombay Central  
Bombay

(By Adv. Mr. V.S. Masurkar  
Govt. Counsel)

..Applicants

V/s.

O.A.41/96 conts.

1. Shri Haribhau Datta Dube  
Son of Awadh Bihari Dube  
Residing at Room No. 7,  
Chawl No.2, Makbook Compound  
Dindoshi Pada, Pathan Wadi  
Malad (E), Bombay 400097
2. Shri A B M Shaikh  
Commissioner for Workmen  
Compensation and 7th  
Labour Court at Bombay  
Arun Chambers, 6th floor  
Tardeo, Bombay 400034

(Respondent No.1 by Mr.  
)

..Respondents

O.A. No. 42 of 96:

1. Union of India  
owning and representing  
Central Railway through  
the General Manager  
Central Railway, Bombay VT
2. Divisional Railway Manager  
Central Railway, Solapur  
Division, Solapur 413001

(By Adv. Mr. V.S. Masurkar  
Govt. Counsel)

..Applicants

V/s.

1. Central Railway Mazdoor Sangh  
Railway Quarter No.S-96  
Near Central Railway Institute,  
Solapur on behalf of 19  
applicants before Labour Court
2. Shri S B Kalankar, WTM/B  
working in the office of Central  
Railway, Solapur
3. Shri S B Panse, Presiding Officer  
Central Govt. Labour Court No.2  
City Ice Building, 298 P.Nariman  
Street, GPO Box No.1035, Bombay-1

(Respondents Nos.1&2 to be Advocate  
Mr.S.C. Halli)

..Respondents

O.A. No. 1484 of 1995 :

1. Union of India, owning and running Central Railway through the General Manager Head Quarter, Central Railway Bombay V.T.
2. The Divisional Railway Manager Central Railway, Bhusawal  
(By Adv. Mr. V.S. Masurkar  
Govt. Standing Counsel)

..Applicants

V/s.

1. Shri Arun G. Kulkarni,  
Residence of Moon House No.3101  
Kulkarni Plot, Bhusawal,  
Dist. Jalgaon  
(By Adv. Mr. D.V. Gangal)
2. Shri K.V. Thakre  
Judge/Presiding Officer  
Labour Court, Jalgaon

..Respondents

O R D E R  
(Per: B.S. Hegde, Member (J))

1. Original Applications at Serial Nos.

1 to 10 were listed for orders on 20.8.1996 and O.A. Nos. 733 of 1993; 734 of 1993 were listed for final hearing. Original Applications Nos. 41/96, 42 of 1996 and 1484 of 1995 were on the sine-die list but were taken up on board to-day with the consent of the Counsel as they raise an issue identical with that in the remaining cases viz., whether the Central Administrative Tribunal has jurisdiction to entertain the petitions against the order / award of the Labour Court / Industrial Tribunal. All the

O.As. have already been admitted and interim relief has been granted in all the O.As, excepting O.A. Nos. 41/96; 114/96; 977/95; 733/93; 734/93 and 682/93:

2. This Tribunal in a common order dated 02.02.1996 passed at the admission and interim relief stage in respect of nine O.A. Nos. 99/96; 1107/95; 1387/95; 1388/95; 977/95; 1484/95; 41/96; 42/96; 102/96 took the view that the Tribunal has jurisdiction to entertain petitions against order / award of Labour Court / Industrial Tribunal under Section 19 of the Administrative Tribunals Act 1985 read with Article 226 of the Constitution of India.

3. The Hon'ble Supreme Court vide their order dated 08.05.1996 in S.L.P. (C) No.10702/96 arising out of O.A. No. 1107/95 has stayed the operation of the order of the Tribunal dated 02.02.1996. There are Miscellaneous Petitions for vacation of stay granted by this Tribunal in O.A. Nos. 99/96; 977/95; 1107/95; 102/96 164/96 and 169/96. We had not taken a view on these Miscellaneous Petitions because of the stay of the Hon'ble Supreme Court dated 08.05.1996 referred to above, which operates in the nine O.As alluded to in para 2 above.

4. Heard the arguments of Mr. P M Pradhan, Mr. Sureshkumar for Mr. M.I. Sethna, Mr. S.C. Dhawan,

Mr. M.S. Ramamurthy, Ms. Yeshoda Shenoy for  
Mr. V.S. Masurkar, Mr. D.V. Gangal, all Counsel  
for the Applicants and Mr. S.M. Dharap and  
Mr. G.K. Masand, Counsel for the respondents.

5. The Counsel for the Respondents pointed out that in the S.L.P. No.13426/96 in O.A. No. 1387/95 (M.B. Singh Vs. Divisional Railway Manager) the Hon'ble Supreme Court has observed on 24.07.1996 as follows:-

"This Court in Krishna Prasad Gupta Vs. Controller Printing & Stationery, J.T. 1995(7) S.C. 522 has held that the Central Administrative Tribunal has no jurisdiction to entertain the matters arising out of the Industrial Disputes Act."

The observations of the Hon'ble Supreme Court in Suraj Ram Vs. Union of India, (SLP (C) No.28452/95) decided on 12.2.96 to the same effect have also been referred to in the Miscellaneous Petitions for vacation of stay. The Id. Counsel for the Respondents urge that since the matter is no longer res-integra and since the point of jurisdiction goes to the heart of the matter, the Tribunal should dismiss the O.As. on this ground alone, eventhough the O.As. have been admitted and some listed for final hearing. We asked the Id. Counsel as to the implications of the stay order of the Hon'ble Supreme Court dated 8.5.1996

for any such order. The counsel for the Respondents submitted that the effect of stay by the Hon'ble Supreme Court of the operation of the order of the Tribunal is that the Respondents would be entitled to grant of benefit of the awards / orders of the Industrial Court / Tribunal. The effect of dismissal of QAs on ground of non-maintainability for lack of jurisdiction will be the same. Therefore, the applicants will not be in a worse position.

6. The Id. Counsel for the applicants urged that the fact of stay order passed by the Hon'ble Supreme Court on 8.5.96 does not seem to have been brought to the notice of the Hon'ble Supreme Court while the Apex Court passed its order dated 24.7.96 in S.L.P. No.13426/96. Therefore, it is not clear whether the order of the Hon'ble Supreme Court staying operation of the order of the Tribunal is still operative. Therefore, they requested that time may be given to them to file an appropriate application before the Hon'ble Supreme Court of India. The Id. Counsel for the applicants further submit that even assuming that this Tribunal has no jurisdiction to entertain these matters, liberty should be given to the applicants to agitate the matters in appropriate forum as the question of limitation would be involved.

7. Having considered the rival contentions of the parties, we are of the view, that the Central

Administrative Tribunal has no jurisdiction to entertain an application under Section 19 of the Administrative Tribunals Act, 1985 against an award / order of the Labour Court / Industrial Tribunal. This is the law laid down by the Hon'ble Supreme Court under Article 141 of the Constitution of India and we are bound to follow it.

3. We, therefore, dismiss the Original Applications for want of jurisdiction to entertain these O.As. We make it clear that we have not decided these O.As. on merit and therefore the applicants are at liberty to approach the appropriate forum of competent jurisdiction, if they are so advised, for any relief. No order as to costs.

Ld. Counsel in S.L.P. (C) No.10702/96 arising out of O.A. No.1107/95 are directed to bring these orders of ours to the notice of the Hon'ble Supreme Court as and when the S.L.P. (C) No.10702/96 comes up before the Hon'ble Supreme Court.

(M.R. Kolhatkar)  
Member (A)

(B.S. Hegde)  
Member (J)

trk

  
De: 12/6/93