

Registered

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

APPLICATION No. 748/87(T)
(WP. NO. 15743/86)

COMMERCIAL COMPLEX, (BDA)
INDIRANAGAR,
BANGALORE-560 038.

DATED: 6-10-87

APPLICANT

K.N. Sreekanthaswaram

VS

RESPONDENTS

Director, NAL, Bangalore & two

TO

1. Sri K. N. Sreekanthaswaram,
429, Middle School,
II Cross Road, V.V. Puram,
Bangalore - 4.

2. Sri H.S. Jos, Advocate,
No. 36, Shankara Park,
Shankarapuram,
Bangalore - 560004

3. The Director,
National Aeronautical Laboratory,
Kodihalli,
Bangalore - 17

4. The Director General,
Council of Scientific
and Industrial Research,
New Delhi

5. Sri P.S. Sankar,
Advocate,
Keshava Nivas,
24, Kalidasa Road,
Gandhinagar,
Bangalore 560 009.

SUBJECT: SENDING COPIES OF ORDER PASSED BY THE
BENCH IN APPLICATION NO. 748/87(T)

....

Please find enclosed herewith the copy of the Order
passed by this Tribunal in the above said Application on
17 Sep 87.

R.V. Venkateshwar
DEPUTY REGISTRAR
(JUDICIAL)

ENCL: As above.

RECEIVED 5 copies 7/10/87. 9c.

Diary No. 1240/CR/87

Date: 07/10/87 8

CENTRAL ADMINISTRATIVE TRIBUNAL AT BANGALORE.

DATED THIS THE SEVENTEENTH DAY OF SEPTEMBER, 1987.

Coram: Hon'ble Mr. Justice K.S. Puttaswamy, Vice Chairman,
and

Hon'ble Mr. L.H.A. Rego, Member (A).

APPLICATION NO. 748 of 1987

K.N. Sreekanteswaran,
429, Middle School,
II Cross Road,
V.V. Puram, Bangalore-4.

....Applicant.

(Shri H.S. Jois, Advocate)

vs.

1. National Aeronautical Laboratory,
Kodihally, Bangalore-17.
2. The Council of Scientific and
Industrial Research, New Delhi.Respondents.

(Shri P.S. Sowkar, Advocate)

This application having come up for hearing
before this Bench, Hon'ble Vice Chairman made the
following:

O R D E R

This is a transferred application and is
received from the High Court of Karnataka under Section
29 of the Administrative Tribunals Act, 1985.



2. At the material time, the applicant was working as a Junior Fitter Mechanic in the National Aeronautical Laboratory ('NAL'), an unit of the Council of Scientific and Industrial Research, a society registered under the Societies' Registration Act, 1860. In a disciplinary proceeding instituted against him under the Central Civil Services (Control, Classification & Appeal) Rules, 1965 ('the Rules'), the Director, NAL, as the disciplinary authority ('DA') by an order made on 25.11.1982 (Annexure-B) dismissed the applicant from service.

3. Evidently, on a representation made by the applicant, Government of Karnataka, in its Notification No. SWL 1139 LLD 84 dated 30.10.1984 referred the validity of the said order of the DA under the Industrial Disputes Act, 1947 ('ID Act') to the Labour Court, Bangalore, for adjudication. On registering the said reference as Ref.No. 77/84, the Presiding Officer, II Addl. Labour Court, Bangalore, by his award dated 22.7.1985, had upheld the said order and had rejected the said reference made by the Government. Shri P.S. Sowkar, learned counsel for the respondents, producing an authenticated copy of the Award of the Labour Court, urges for the dismissal of this application as barred by res judicata.



4. Shri H.S. Jois, learned counsel for the applicant, who has perused the Award of the Labour Court, on the instructions of the applicant, who is present in Court, in our opinion, very rightly, seeks permission to withdraw this application with liberty reserved to challenge the award in an appropriate legal proceeding. We are of the view that this request of Shri Jois is fair and reasonable, and should be granted. We, therefore, grant the request of Shri Jois and dismiss this application as withdrawn by the applicant, for the reasons noticed earlier. But in the circumstances of the case, we direct the parties to bear their own costs.



dms.

Sd/-
VICE CHAIRMAN, 17/11

Sd/-
MEMBER(A) 17/11

- True Copy -

By [Signature]
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL 6110
ADDITIONAL BENCH
BANGALORE