

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**NEW BOMBAY BENCH**

O.A. No.
~~xxxxxx~~

673/90

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DATE OF DECISION 28.9.1990

Smt. Pulbai Dipchand & 49 Ors. Petitioner

Shri D.V.Gangal

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri J.G.Sawant.

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. D.Surya Rao, Member(J),

The Hon'ble Mr. M.Y.Priolkar, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

(4)

Original Application No.673/90.

Smt. Pulbai Dipchand & 49 others.

... Applicants.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Member(J), Shri D.Surya Rao,
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:-

Applicant by Shri D.V.Gangal,
Respondents by Shri J.G.Sawant.

JUDGMENT:-

(Per Shri D.Surya Rao, Member(J))

Dated: 28.9.1990

We have heard Shri D.V.Gangal learned counsel for the applicant and Shri J.G.Sawant learned standing counsel for the Railways on behalf of the respondents on the question of maintainability of this application.

2. The applicants who are 50 in number are all Casual Labour Gangwoman working under the control of the P.W.I.(Construction), Central Railway Jasai the 4th respondent. The 4th respondent has been added as party (5th respondent) by name. It is alleged that since the applicants had filed certain writ petitions questioning their transfers and seeking regularisation the 5th respondent has become vindictive and started harrassing them, that he abuses them in filthy language, that he comes late to office and marks the applicants absent and that he is seeking to outrage the modesty of the gangwomen.

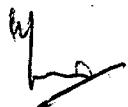
It is represented that the actions of respondents constitute Contempt of Court since they are a consequence to the applicants having filed earlier applications before the Tribunal. It is alleged that a complaint was made on 11.7.1990 to the Executive Engineer and the General Manager (enclosed as Exhibit 'C' to the application) in regard to the various illegal acts committed by Respondent No.5. The reliefs asked for by the applicants in the application are as follows:-

- "(a) Hold and declare that the fifth Respondent has prima facie committed misconduct.
- (b) Hold and declare that the fifth Respondent should be suspended from duty.
- (c) Hold and declare that the fifth Respondent should be proceeded departmentally for the misconduct.
- (d) Hold and declare that the fifth Respondent should be transferred to a remote place.
- (e) Hold and declare that the fifth Respondent has committed Contempt of Court and should be dealt with under Contempt of Court's Act."

3. From the allegations made it is clear that this application is not maintainable. Some of the allegations like outraging the modesty of women constitute criminal offences for which the remedy of the applicants is criminal proceedings and this Tribunal is not the forum to determine these criminal acts. In so far as punishment for Contempt of Court is concerned the remedy of the applicants is to file a Contempt application. No doubt the applicants have also alleged high handedness and harrassment on the part of the 5th respondent. But this Court is not an administrative authority to step into shoes of the

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competent authority and cannot enquire into the truth of the allegations and place the ~~applicant~~ under suspension or to initiate disciplinary action against the officer ~~concerned~~. In any event the applicants allege that they have made a complaint to the competent authorities on 11.7.1990 to take action against the 5th respondent. Section 20 of the Administrative Tribunals Act, 1985 lays down that the Tribunal shall not entertain an application unless the employees exhaust the remedies available to them under the service rules. The authorities concerned have 6 months time to dispose of such a representation and this period is not yet over. Hence the application is clearly premature. The application is in our view not maintainable for the reason that some of the allegations relating to criminal offences which this Court is not competent to enquire into. In regard to allegations of Contempt of Court the remedy of the applicants is to file a contempt application. In regard to other allegations the applicants have made complaints which is yet to be disposed of. The application is accordingly dismissed at the stage of admission of the case.


(M.Y. PRIOLKAR)
MEMBER (A)


(D.SURYA RAO)
MEMBER (J).