

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 436/90
TR.A.NO.

199

DATE OF DECISION 19-4-94

~~Sukhdeo Maroti & 14 ors.~~ Applicant(s)

Versus

DRM Central Railway, Nagpur

Respondent(s)

1. Whether it be referred to the Reporter or not ? *m*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *m*

MEMBER
~~XXXXX~~

[Signature]
VICE CHAIRMAN

M

mbm

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT BENCH AT NAGPUR

D.A.436/90

Sukhdeo Maroti and 14 ors.

.. Applicants

-versus-

Divisional Railway Manager,
Central Railway, Nagpur.

.. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman

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

Appearances:

1. Mr.Yawalkar
Counsel for the
Applicants.
2. Mr.P.S.Lambat
Counsel for the
Respondents.

ORAL JUDGMENT:

Date: 19-4-94

Per M.S.Deshpande, V.C.

The relief claimed by this application is a direction to the respondents to cease and desist from committing unfair labour practice by marking the applicants rest on 18-11-89 and present on 19-11-89 since they were not allowed to work by CPWI Ajni, and claims wages for one day.

2. Mr.Yawalkar learned counsel for the applicants states that ~~xx~~ a notice of change has not been given by the respondents before taking the action against the applicants and that therefore the action cannot be supported. He, however, agrees that there is a remedy available to him by virtue of provisions under Industrial Disputes Act.

..2/-

[Signature]

3. In view of the decision of the larger Bench in A.Padmavalley & Others v. CPWD & Telecom, reported in CAT(F.B.)Vol.II page 334 the Tribunal is not a substitute for the authorities constituted under the Industrial Disputes Act and has no original jurisdiction under the Industrial Disputes Act. The remedy of the applicants therefore be by filing application under the provisions of Industrial Disputes Act. The application cannot be entertained by the Tribunal in view of the clear decision in A.Padmavalley's case.

4. The application is dismissed with liberty to the applicants to pursue the remedy under the Industrial Disputes Act before the appropriate authority.

M.R. Kolhatkar

(M.R. KOLHATKAR)
Member(A)

M.S. Deshpande

(M.S. DESHPANDE)
Vice-Chairman