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CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT AT NAGPUR

O.A. 821 of 1990

Present : Hon'ble Mr. A.P.Bhattacharya, Judicial Member
Hon'ble Mr. P.S.Chaudhuri, Administrative Member

D. V. MESHRAM

VS

UNION OF INDIA & ORS

For the applicant : Mr. V.G.Deshpande, counsel

For the respondents: Ms. Indira Bodhade, counsel

Heard on : 20.3.91 : Order on : 22.3.91

O R D E R

A.P.Bhattacharya, J.M.:

This application under sec. 19 of the Administrative Tribunals Act, 1985, has been filed by Shri D.V.Meshram against the Union of India, represented by the General Manager, Central Railway and two others.

2. The applicant entered service under the Central Railway as a casual labourer on 3.5.73 and continued as such upto 25.9.85. Thereafter he was re-engaged on 20.11.85 and continued upto 6.2.86. The applicant states that from 26.9.85 to 19.11.85 he was on leave on medical ground having been injured on duty. As he was not re-engaged thereafter, he contends, that it was a case of retrenchment. He challenges such retrenchment on the ground that it is violative of the provisions of Secs. 25F and 25G of the Industrial Disputes Act, 1947. In filing the application, he has prayed for/a direction on the respondents so that he should be reinstated with full back wages and other reliefs consequential thereto.

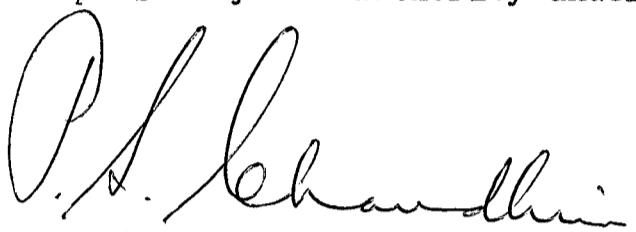
3. The admission of the application has been opposed by the respondents.

4. We have already mentioned that the applicant has challenged his dis-engagement as a casual labourer under the provisions of the Industrial Disputes Act, 1947. According to him, his discontinuance in service should be treated as illegal as one month's notice was not given to him and the reason for his retrenchment was not indicated. He has also challenged such retrenchment on the ground of non-payment of retrenchment compensation. In our opinion this Tribunal cannot entertain such an application in view of the decision of the Larger Bench of the Central Administrative Tribunal passed in the case of A. Padma-valley etc. etc. -vs- CPWD & Ors etc. etc. reported in 1991(1) SLR 245. It has been observed in that case that an applicant seeking relief under the provisions of I.D. Act must ordinarily exhaust the remedies available under that Act. At para 40 of the judgement it has been made clear that the Administrative Tribunal does not exercise concurrent jurisdiction with the authorities in regard to matters covered by the I.D. Act, 1947. It is observed by the Larger Bench that all matters over which the Labour Court or the Industrial Tribunal or other authorities has jurisdiction under the Industrial Disputes Act do not automatically vest in the Administrative Tribunal for adjudication. On a reference to the provision of Sec. 2A of the said Act of 1947, we get that where any employer discharges, dismisses retrenches or otherwise terminates the service of an individual workman, any dispute or difference between that workman and his employer connected with or arising out of such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute. Naturally, therefore, the applicant can approach the authority appointed under that Act for redressal of his grievance and exhaust his remedies available under that Act first before approaching this Tribunal. Relying on the said

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Larger Bench decision, we have no hesitation to conclude that the ~~present~~ application is hit by Sec. 20 of the Administrative Tribunals Act, 1985 and as such it is not presently entertainable by us. So, we dismiss this application summarily with the liberty being granted to the applicant for seeking relief under the provisions of A.T.Act if he feels aggrieved by the order to be passed by the authority under the I.D.Act, 1947.


(P.S.CHAUDHURI)
MEMBER(A)
22.3.91

22/3/91


(A.P.BHATTACHARYA)
MEMBER(J)
22.3.91