

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

REVIEW PETITION NO. 79 OF 1997

IN

O. A. No.1059 of 1992

All India Telecom Employees' Union
(Line Staff & Gr.IDI)
Maharashtra Circle Branch &
Others, A-304, Kunjvihar,
Rameshnagar, Andheri (West),
Bombay-400 058

}... Applicants

v/s.

1. Telecom District Manager,
Jalgaon, having his office at
Telephone Bhavan, Jalgaon,
Maharashtra.

2. Chief General Manager,
Telecom Circle, Maharashtra,
having his office at G.P.O.,
Bombay-400 001.

}... Respondents

REVIEW PETITION OF THE APPLICANTS
ABOVENAMED.

MAY IT PLEASE THE HON'BLE TRIBUNAL :

1. The applicant received a copy of the Judgment and order dated 15th July, 1997 sent with a covering letter dated 21st July, 1997 received by the applicant on 24th July, 1997. The Order (Oral) passed by this Hon'ble Tribunal reads as follows :

" O R D E R (ORAL)

[Per Shri B.S.Hegde, Member (J)]

None for the applicant. Shri S.S.Karkera
is present on behalf of the Respondents.

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2. Shri S.S.Karkera, counsel for the Respondents stated that against an order passed by the Regional Labour Commissioner, the Department challenged the said order before the Central Government Industrial Tribunal (C.G.I.T.) and the C.G.I.T. has passed an order in favour of the Respondents.

3. In the facts and circumstances of the case, for want of jurisdiction it is not possible to entertain this O.A. The O.A. is disposed of for want of jurisdiction. However, liberty is given to the applicant to approach the appropriate forum. There will be no order as to costs."

2. The applicant hereby files this Review Petition on the following grounds.

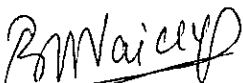
- a) This O.A. was filed for a declaration that the order dated 28th Sept. 1999 terminating the services of certain employees be set aside and quashed as the same was illegal and for directions to the Respondents not to give the work to any private Contractor if Casual Labourers were available.
- b) The contention of a statement made by the learned Counsel does not arise on the basis of pleadings and yet erroneously relying on the aforesaid statement this Hon'ble Tribunal without going through the pleadings held this Hon'ble Tribunal has no jurisdiction.

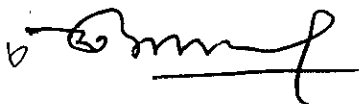
- c) The Hon'ble Supreme Court in judgment dated 9th July 1997 held that Telecom employees being governed by Statutory Rules can apply only to Administrative Tribunal in service matters. The applicant craves leave to rely upon the said judgment when produced.
- d) This Hon'ble Tribunal has held that this Hon'ble Tribunal has no jurisdiction by a non-speaking order in as much as no reasons have been given. The judgment of the Hon'ble Supreme Court does not seem to have considered .

3. The applicants therefore pray :

- (a) that this Hon'ble Tribunal recalls the order dated 15th July, 1997 and be further pleased to decide on merits and in accordance with law after hearing parties and atleast perusing the pleadings.

Dated this 20th day of August, 1997.


Advocate for the
Applicants.



VERIFICATION

I, R. N. Ayre, Secretary of the All India Telecom Employees' Union (Line Staff & Gr.D) Maharashtra Circle Branch & Ors., A-304, Kunjvihar, Rameshnagar, Andheri (West), Mumbai-400 058 say that what has stated hereinabove is stated on information and ~~I~~ belief and I believe the same to be true and nothing has been suppressed.


APPLICANTS