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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 395/92  
Transfer Application No.

Date of Decision : 14.6.1995

Shri V.T.Bhaste & Anr.

Petitioner

Shri S.M.Dharap

Advocate for the  
Petitioners

Versus

Union of India & Ors.

Respondents

None

Advocate for the  
respondents

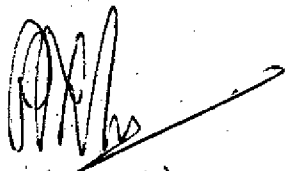
C O R A M :


The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri P.P.Srivastava, Member (A)

(1) To be referred to the Reporter or not ? —

(2) Whether it needs to be circulated to  
other Benches of the Tribunal? aw

  
(P.P.SRIVASTAVA)  
MEMBER (A)

  
(M.S.DESHPANDE)  
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

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OA.NO. 395/92

Shri V.T.Bhaste & Anr. ... Applicants

v/s.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande  
Hon'ble Member (A) Shri P.P.Srivastava

Appearance

Shri S.M.Dharap  
Advocate  
for the Applicant

None for the Respondents

ORAL JUDGEMENT

Dated: 14.6.1995

(PER: M.S.Deshpande, Vice Chairman)

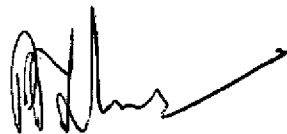
Heard counsel. It is apparent that the grievance of the applicant was regarding the notice of change which was given by the employer and the grounds which have been given in the present OA. are on the basis of the provisions of Industrial Disputes Act. Shri Dharap states that after the notice of change in 1988, which has been made the subject matter of the present application, the respondents have given another notice of change in 1992 under the provisions of Factories Act and that has been contested by the applicant. In the meanwhile, conciliation proceedings were initiated and Shri Dharap states that the conciliation failed and a failure report was made on 24.4.1995, a copy of which is handed over to us today. The question thereafter will be whether the appropriate Government should or should not make a reference to the Industrial Tribunal under the provisions of Industrial Disputes Act. The contention of the learned counsel is that if a reference is made,



then the status-quo which was granted by the Tribunal on 28.4.1992 would continue until the termination of those proceedings but supposing no action is taken by the Government under Section 12 (5) of the Industrial Disputes Act then the status-quo order would cease to operate.

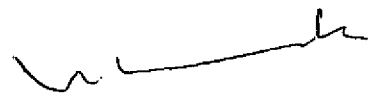
2. Considering that the dispute raised before us pertains to a matter of which the Industrial Tribunal can take cognizance and the action has been taken under the Industrial Disputes Act, we do not think that the present application should be allowed to be continued before the Tribunal.

3. We direct the appropriate Government to take action on the failure report in accordance with the provisions of Industrial Disputes Act within three months from the date of communication of this order. Should the appropriate Government decide not to make a reference to the Industrial Tribunal or even otherwise, the status-quo which has been granted shall continue for a period of six months from today with liberty to the applicant to approach this Tribunal for appropriate relief under Article 226 of the Constitution. With this direction the OA. is disposed of. There will be no order as to costs.



(P.P.SRIVASTAVA)

MEMBER (A)



(M.S.DESHPANDE)

VICE CHAIRMAN

mrj.