

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 495/92

199

~~XXXXXXXX~~

DATE OF DECISION 23.7.92

Union of India and others Petitioner

Shri V.G.Rege Advocate for the Petitioners

Versus

Shri Nanda Ballabh Joshi and others Respondent

Shri S.M. Dharap Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K. DHAON, VICE CHAIRMAN.

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 ?

} NO.

(S.K. DHAON)
VICE CHAIRMAN

mbm*

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 495/92

Union of India through
General Manager, Central Railway
Bombay V.T.

The Chief Personnel Officer
Central Railway,
Bombay V.T.

... Applicant

V/s

Shri Nanda Ballabh Joshi and others ..Respondents.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman
Hon'ble Shri M.Y. Priolkar, Member (A)

Appearance:

Shri V.G. Rege, counsel for
the Applicants.

Shri S.M. Dharap, counsel
for the Respondents.

ORAL JUDGEMENT

¶ Per Shri Justice S.K. Dhaon, Vice Chairman¶

By this application, the Employer
namely the Union of India through General Manager,
Central Railway and the Chief Personnel Officer,
Central Railway have come up to this Tribunal with
the prayer that the award dated 15.10.91 passed by
the Presiding Officer of the Labour Court may be set
quashed.


In para 3 of the award the facts stated
are these. The notice of the reference to the
Railway Management was duly served on General
Manager, Central Railway, Bombay V.T. The necessary
AD received in that respect was signed by the authority
concerned at the end of the Central Railway. While
filing the statement of claim before the Tribunal,
the Union had given a copy thereof to the Railway
Management and the authority concerned of the

Railway Management put a signature on the copy of statement of claim retained by the Union of token of having received copy by the Railway Management. Therefore, the Railway Management had the knowledge of the pendency of the reference. Even then, it remained absent since the very beginning that is 14.5.91 and till the date of passing of the award.

We have gone through the contents of the application and we are satisfied that no satisfactory explanation has been given in it to explain the absence of the applicants before the Labour Court. This should be enough to dispose of this matter.

Even on merits, we are satisfied that the Labour Court gave a correct award. It has recorded a findings that the services of the workman namely Shri Nanda Ballabh Joshi was done away with even though he was employed as cook and immediately after the exit of Joshi some one else was appointed as a cook. Therefore, no infirmity can be found in the award.

The application is rejected summarily.


(M.Y. PRIOLKAR)
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN

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