

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A. NO: 495/92

199

XXXXXX

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 ?

*Sy*  
(S.K. DHAON)  
VICE CHAIRMAN

mbm\*

(S)

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 begining 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 enoughto 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

NS/