

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Tadiranagar,
Bangalore-560 038.

Dated:- **12 SEP 1994**

APPLICATION NUMBER: 281 of 1994.

APPLICANTS:

The Telecom Dist.Engineer,
To. Gulbarga and another v/s.

RESPONDENTS:

Sri.Basavaraj,Bellary and another.

1. Sri.M.S.Padmarajaiah, Senior Central Govt.
Stng.Counsel, High Court Bldg, Bangalore-1.

2. Sri.R.A.Shiraguppi, Advocate, No.105-B,
First Floor, 46th Cross, Near Mosque,
Fourth Block, Rajajinagar, Bangalore-10.

3. The The Presiding Officer,
Central Govt. Industrial Tribunal cum labour Court,
Geetha Mansion, K.G.Road, Bangalore-9. He is requested
to acknowledge the receipt of original documents in
C.R.NO.64 of 1992, as stated in the index.

By RPAD

Received Copy.
for R.A.S.
21/9/94

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 17th August, 1994.

Issued on
02/09/94

o/c

for S. Shanmugam
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A.No.281/94

WEDNESDAY THIS THE SEVENTEENTH DAY OF AUGUST 1994

Shri Justice P.K. Shyamasundar ... Vice-Chairman

Shri T.V. Ramanan ... Member [A]

1. The Telecom Dist. Engineer,
Department of Telecommunication,
Government of India,
Gulbarga.
 2. The Sub-Divisional Officer,
Department of Telecom,
Government of India,
Bidar.
- ... Applicants

[By Advocate Shri M.S. Padmarajaiah
Senior Central Government Standing Counsel]

v.

1. Sri Basavaraj,
S/o Beemappa,
C/o Shri Ramanjeyulu,
Advocate, Bellary.
 2. The Presiding Officer,
Industrial Tribunal-
cum-Labour Court,
Gandhinagar,
Bangalore.
- ... Respondents

[By Advocate Shri R.A. Shiraguppi for R-1]

ORDER

Shri Justice P.K. Shyamsundar, Vice-Chairman:

We have heard the learned Standing Counsel who appears in support of the applicant and Shri R.A. Shiraguppi, appearing for the workman. This application is directed against the award passed by the Industrial Tribunal in C.R. No.64/92. The award directed reinstatement of the workman without any backwages



but at the same time ordered payment of Rs.5,000 as compensation.

2. The aforesaid award is strongly countered by the learned Standing Counsel as wholly untenable. It is pointed out by standing counsel that the Tribunal could not have directed payment of compensation without any basis and much less any tenable basis which could possibly support such a conclusion enabling payment of any compensation. But then Shri Shiraguppi, appearing for the workman points out that the workman had since given up his claim to receive the compensation amount. He refers to a letter issued by the department making it clear that while permitting reinstatement of the applicant subject to the decision in this application and subject to the circumstance of the applicant having foregone his claim of compensation awarded by the tribunal. The order made by the department, in this connection is placed on record and it reads

--

"You are hereby directed to join as Casual Mazdoor in, the office of the Sub-Divisional Officer Telegraphs, Bidar.

Your reinstatement is subject to the decision of the appeal filed in Central Administrative Tribunal, Bangalore. The compensation of Rs.5000 [Rupees five thousand only] as submitted by you is considered as foregone by you, as per your letter dated 5.1.94."

The standing counsel, apparently became aware of this letter for the first time now, tells us that in the light of the aforesaid development, the workman having given up his claim for compensation and the department

having reinstated the workman into service it would now not be necessary to investigate into the tenability of the award of the Tribunal. We agree. Now that the workman is reinstated and he has also given up the compensation awarded by the tribunal there seems to be no reason to persist with this application which is, therefore, dismissed as having become unnecessary. No costs. The records of the Tribunal ^{to} may be returned.



Sd/-
MEMBER [A]

Sd/-
VICE-CHAIRMAN

TRUE COPY

Sd/-

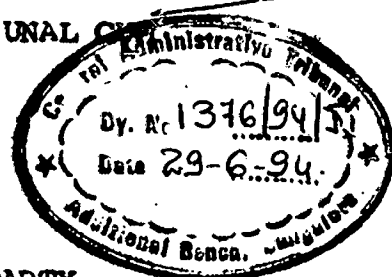
Section Officer 249
Central Administrative Tribunal

Bangalore Bench
Bangalore

Received through memo 10
29/6/94
S.N

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
LABOUR COURT, BANGALORE

CR 64/1992



I PARTY

VS

II PARTY

Sri.BASAVARAJ

THE TELECOM DISTRICT ENGINEER
AND ANOTHER

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SECRETARY

केन्द्रीय सरकार औद्योगिक न्यायालय
Central Government Industrial Tribunal
एवं न्याय न्यायालय, बंगलूर
Cum Labour Court, Bangalore,