

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated:- 2 SEP 1994

APPLICATION NUMBER: 281 of 1994.

APPLICANTS:

The Telecom Dist.Engineer, 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 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  
2 SEP 1994

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

of  
R/

for DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

Se Shanthar  
19

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. Te 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 <sup>to</sup> may be returned.



Sd/-

MEMBER [A]

Sd/-

VICE-CHAIRMAN

TRUE COPY

S. Shankar

Section Officer 249  
Central Administrative Tribunal

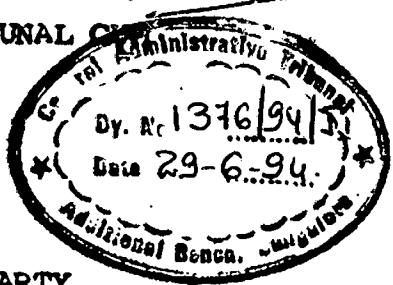
Bangalore Bench  
Bangalore

RECEIVED THROUGH MR. V  
29/6/94  
SRI N

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL OF

LABOUR COURT, BANGALORE

CR 64/1992



I PARTY

VS

II PARTY

Sri.BASAVARAJ

THE TELECOM DISTRICT ENGINEER  
AND ANOTHER

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*Vakalath*

SECRETARY

Central Government Industrial Tribunal

इनसिय इंस्टिट्यूट ऑफोगिक अविडिटरिय

इंडियन लॉबर कोर्ट, बैंगलोर

Cum Labour Court, Bangalore,