

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 15 DEC 1994

APPLICATION NO: 1224 of 1994.

APPLICANTS:- Sri.G.M.Kamble,

V/S.

RESPONDENTS:- The Divisional Railway Manager,
South Central Railway, Hubli and another.

T.

1. Sri.M.S.Anandaramu, Advocate, No.27, First Main, First Floor,
Chandrashekar Complex, Gandhinagar, Bangalore-560009.
2. The Divisional Railway Manager, South Central Railway,
Hubli.
3. The Secretary, Ministry of Labour, Shrama Shakti Bhavan,
New Delhi.
4. Sri.A.N.Venugopala Gowda, Advocate, No.8/2, Upstairs,
R.V.Road, Bangalore-560 004.
5. Sri.M.Vasudeva Rao, Addl. Central Govt. Stng. Counsel,
High Court Bldg, Bangalore-560 001.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 06-12-1994.

*Copies Issued
on 15.12.94
Gah*

[Signature]
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NUMBER 1224 OF 1994

TUESDAY, THIS THE 6TH DAY OF DECEMBER, 1994.

Mr. Justice P.K. Shyamsundar,

.. Vice-Chairman.

G.M. Kamble,
Ex. Khalasi, Major,
T.No. 160, Machine Shop, Wheel Yard,
Railway Workshop, South Central
Railway, Hubli (now removed
from services) and residing at Ganeshpet,
Bindargi Lane, Hubli.

.. Applicant.

(By Advocate Shri M.S. Anandaramu)

v.

1. The Divisional Railway Manager,
South Central Railway, Hubli.
2. The Union of India,
represented by its Secretary,
Ministry of Labour,
Shrama Shakti Bhavan, New Delhi.

.. Respondents.

(By Standing Counsel Shri A.N. Venugopala Gowda
for R-1 & Standing Counsel Shri M.V. Rao for R-2)

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O R D E R

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

I have heard the learned counsel for the Railways and Shri M. Vasudeva Rao, learned Additional Standing Counsel for respondent-2 in this application wherein the complaint made is that the Government had wrongly declined to make a reference of the applicant's grievance to the Industrial Tribunal for adjudication. It is seen from the impugned order that the Government has turned down the request for reference to the Industrial Tribunal on the ground that the demand was somewhat belated. The decision on the basis of which the demand for reference is rejected is indeed a ground which is totally within the per-view of the Tribunal as such plenary power of refusal has to

be exercised only by it and none else. I need hardly add that such consideration will also extend to the rejection on grounds of belatedness and more so when the Industrial Tribunal does not prescribe actually any period of limitation. In the circumstances, the rejection of the applicant's demand for reference by the Government on grounds of belatedness is clearly untenable. This is also the view taken by this Tribunal recently in O.A.No.1272 of 1994 disposed of on 22-11-1994. Following the same and also for the reasons mentioned hereinbefore, what becomes clear is that this application has to succeed and it is accordingly allowed. The impugned order (Annexure-A5) of the Central Government declining to refer the matter to the Industrial Tribunal is hereby quashed. There will now be a direction to the Central Government to refer the applicant's case for adjudication by the Tribunal. No order as to costs. Let a copy of this order be sent to the Union Government for information and needful action which will ensure referring the dispute within 3 months from the date of receipt of a copy of this order. It will ofcourse be open to the employer to put forward amongst other defences, the defence of belatedness.

Sd-

VICE-CHAIRMAN.

TRUE COPY

Section Officer

Central Administrative Tribunal

Bangalore Bench

Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

B-804
764
Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 038.

Contempt Petition No.10 of 1996 in

Dated: 20 JAN 1997

APPLICATION NO. 1 224 of 1994.

APPLICANT(S) : G.M.Kamble,

V/s.,

RESPONDENTS : Sri.L.N.Mishra, Secretary, M/o. Labour, New Delhi.

To.

1. Sri.M.S.Anandaramu, Advocate,
No.11, 1st Floor, 4th Cross,
R.K.Puram, S.C. Road Cross,
Opp: Movieland Talkies,
Bangalore-9.
2. Sri.M.Vasudeva Rao, Addl.CGSC,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by
Central Administrative Tribunal, Bangalore-38.

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A copy of the Order/Stay Order/Interim Order,
passed by this Tribunal in the above stated applicatio(s)
is enclosed for information and further necessary action.
The Order was pronounced on 13-01-1997.

for Deputy Registrar
Judicial Branches.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

CONTEMPT PETITION NO.10/1996 IN
O.A.NO4224/1994

MONDAY THIS THE THIRTEENTH DAY OF JANUARY, 1997

SHRI JUSTICE D.P. HIREMATH

VICE CHAIRMAN

SHRI T.V. RAMANAN

MEMBER (A)

Shri G.M. Kamble,
ex-Khalasi, Major,
T.No.160, Machine Shop,
Wheel Yard, Railway Workshop
South Central Railway,
Hubli (now removed from
service) and residing at
Ganeshpet, Bindargi Lane,
Hubli

Petitioner

(By Advocate Shri M.S. Anandaramu)

v.

Shri L.N. Mishra,
Secretary,
Ministry of Labour,
Government of India,
Shrama Shakti Bhavan,
New Delhi

Respondent

(By Addl. Central Government
Standing Counsel Shri M.V. Rao)

ORDER

JUSTICE D.P. HIREMATH, VICE CHAIRMAN

Heard both the counsel and read the
affidavit filed by the Secretary, Ministry of
Labour, New Delhi. He swears that he has taken
over as Secretary, Ministry of Labour only a
few months ago and further swears that an enquiry
has been ordered about missing of the records,
to be completed within the time frame. He has
also tendered his unconditional apology about the

delay. Considering the contents of the affidavit, we drop these proceedings.



Sd-

(T.V. RAMANAN)
MEMBER (A)

Sd-

(D.P. HIREMATH)
VICE CHAIRMAN

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TRUE COPY

[Signature]
20/1/97

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore