

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Dated: **13 DEC 1994**

APPLICATION NO: 997 of 1994.

APPLICANTS:- Sri.A.Jagannath  
V/S.

RESPONDENTS:- Secretary, Ministry of Labour, ND Delhi and others.

T.

1. Sri.M.S.Anandaramu, Advocate, No.27,  
Chandrashekar Complex, Gandhinagar,  
First Main Road, First Floor,  
Bangalore-560 009.
2. Sri.M.Vasudeva Rao, Addl.C.G.S.C.,  
High Court Bldg, Bangalore-1.

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 28-11-1994.

Issued on

13/12/94

*[Signature]*

*[Signature]*

*[Signature]*  
DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 997/ 1994

MONDAY, THE 28TH DAY OF NOVEMBER, 1994

SHRI V. RAMAKRISHNAN	...	MEMBER (A)
SHRI A.N. VUJJANARADHYA	...	MEMBER (J)

Shri A. Jagannath,  
S/o Shri A. Krishnaiah,  
aged about 26 years and  
was working as a Casual  
Labourer, N.D.R.I.,  
Adugodi, Hosur Road,  
Bangalore, & residing at  
C/o Shri Nagraj,  
No.11, Koramangala Cross  
Road, Bangalore - 30. ... Applicant

( By Advocate Shri M.S. Anandaramu )

Vs.

1. The Union of India,  
represented by its Secretary,  
Ministry of Labour,  
New Delhi.
2. Management of National  
Dairy Research Institute,  
represented by its Head,  
Adugodi, Bangalore - 30.
3. Desk Officer,  
Government of India,  
Ministry of Labour,  
Shramantralaya,  
New Delhi. ... Respondents

( By Advocate Shri M. Vasudeva Rao, Addl.  
Central Govt. Standing Counsel )

O R D E R

Shri V. Ramakrishnan, Member (A)

The applicant herein is aggrieved by the order of Ministry of Labour dated 21.4.94 as at Annexure A-1 where the Central Government had rejected the request for reference for adjudication by a labour court on the following ground:

....2/-



" The Dispute has been raised belatedly, i.e. after a lapse of more than 5 years of the cause of action without giving any reasons justifying the delay".

2. We have heard Shri M.S. Anandaramu for the applicant and Shri M.V. Rao for the respondents.

3. Shri Anandaramu submits that the Labour Ministry was in error in refusing to refer this dispute to a Labour Court only on the ground of delay. He draws our attention to the decision of Karnataka High Court in a writ petition No. 5401/94 disposed of on 28.2.94 in the case of Smt. J. Sudha vs. State of Karnataka where the High Court had held that rejection on the ground of delay is unsustainable as it is a matter to be decided by the adjudicating authority and not by Government. The High Court had further directed <sup>the Govt to consider the question</sup> ~~for~~ reference <sup>of</sup> industrial adjudication <sup>to be disposed of within one month.</sup> Shri Anandaramu submits that it is a clear case of industrial dispute and such refusal to refer it to a labour court only on the ground of delay is unsustainable. He also refers to Section 10 (1) (c) of the Industrial Disputes Act.

4. In the facts and circumstances of the case, we quash the endorsement dated 21.4.94 as at Annexure A-1 and direct the respondents to consider the grievances of the applicant and to dispose of the same in accordance with the provisions of law within two months from the date of receipt of a copy of this order instead of rejecting it on the sole ground of delay in making the request.

Sd-

( A.N. VUJJANARADHYA )  
MEMBER (J)

Sd-

( V. RAMAKRISHNAN )  
MEMBER (A)

TRUE COPY

Section 3(1)(a)

Central Administrative Tribunal  
Bangalore Bench  
Bangalore  
TCV