

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PREScot ROAD, MUMBAI-1

O.A. Nos. 1) 682/93

- 2) 99/96
- 3) 977/95
- 4) 1107/95
- 5) 1387/95
- 6) 1388/95
- 7) 102/96
- 8) 114/96
- 9) 164/96
- 10) 169/96
- 11) 733/93
- 12) 734/93
- 13) 41/96
- 14) 42/96 AND
- 15) 1484/95

(FIFTEEN ORIGINAL APPLICATIONS)

Dated : THIS 26th DAY OF AUGUST, 1996

Coram : Hon. Shri B.S. Hegde, Member (J)
Hon. Shri M.R. Kolhatkar, Member (A)

O.A. No. 682 of 1993:

- 1. The Union of India
Owing and representing
Western Railway
through G.M. Western Railway
- 2. The Divisional Railway Manager
Western Railway, Bombay Central
(By Adv. Mr. M.S. Ramamurthy) ..Applicants

V/S.

1. Shriram S. Pandey)
2. S.A. Chavan)
3. Naguruddin M.)
4. L.M. Vadhwa)
5. P.B. Nerurkar)
6. Biswas D.)
7. M.P. Sawant)
8. Rajan S. Nair)
9. R.S. More)
10. J.M. Gharat)
11. S.M. Gegan)
12. Gopal Swamy)
13. E.L. Kapse)
14. Money Pinto)
15. Manohar Singh)
16. Dilawar Singh)
17. S.S. Yusuf)
18. Nane Morji)
19. E.T. Mathew)
20. Y.R. Hinge)
21. Sudhir Gayanand)
22. E.H. Patil)
23. E.P. Fernandez)
24. John Sones)
25. Dev. Nair R.)
26. D.P. Kale)
27. P.D. Apshankar)
Presiding Officer
CGLC No.2 Bombay

1 to 26 Respondents
ACC I/C & Attendant
working under Shop
Sudtt. RAC Western
Railway
Bombay Central

(Respondents 1 to 26
by Adv. G.K. Masand)

.. Respondents

O.A. No. 99 of 1996 :

General Manager
India Security Press
and Currency Note Press
Nasik Road, Nasik

(By Adv. Mr. Sureshkumar
for Counsel Mr. M I Sethna)

.. Applicant

V/s.

1. Workmen through the
General Secretary of the
India Security Press and
Currency Note Press Staff
Union
2. The Presiding Officer
The Central Government
Industrial Tribunal, Bombay

(Respondent No.1 Union by
Adv. Mr. S.M. Dharap)

.. Respondents

O.A. No. 977 of 1995 :

General Manager,
Currency Note Press
Nasik Road, Nasik

(By Mr. P.M. Pradhan,
Govt. Standing Counsel)

..Applicant

Laxman Shankar Khode
residing at Nagchowk
Khode Chawl, Panchwati
Nasik

(By Adv. Mr. S.M. Dharap)

..Respondent

O.A. No. 1107 of 1995 :

1. Union of India
owing and representing
Western Railway,
through General Manager
Western Railway,
Churchgate, Bombay Central

(By Adv. Mr. P.M.A. Nair)

..Applicant

V/s.

1. The Paschim Railway
Karmachari Parishad,
represented through
Divisional Secretary,
32 A, Chhapra Building
R.K. Vaidya Marg
Dadar, Bombay 400028

2. Shri M.G. Sindharkar
Presiding Officer
Central Govt. Industrial
Tribunal, No.1 City Ice
Building, P.Nariman Street,
Bombay

(Respondent No.1 by Adv.
Mr. S.M. Dharap)

..Respondents

O.A. No. 1387 of 1995 :

Divisional Railway Manager
Central Railway, Bombay V.T.
(By Adv. Mr. S C Dhawan)

..Applicant

V/s.

1. R.P. Yadav
Shantabai Chawl
Nasarani Halv Phool
Kurla (W), Bombay 70
2. Shri R.G. Sindhakar
Presiding Officer
Central Government Labour
Court No.1, Bombay
3. Prakash N. Deshpande
4. Rajbali Baijnath Yadav
5. Ratnakar Changanrao
6. Habibuddin Jamammuddin
7. G.B.V. Murthy
8. B. C. Patel
9. M.H. Patil
10. Vasant Sakharam
11. Dilbhadrur Khodkar
12. Inder Ali Kassim Shaib
13. Sudhakar Dejappa
14. S.D. Waradkar
15. Dyandeo Krishnaji
16. Krishna Sakharam
17. C. Thongaswamy
18. Ahmed Nuran
19. G.D. Kulkarni
20. Sitaram Korde
21. Shankar Dasappa
22. Raghu Banch Gangaram
23. Prayagduth Kalpnath
24. Smt. Kansalyabai Digambar Bhose
25. R.C. Sharma
26. Shyam Sundar Tripathi
27. Prabhu Singh Ramlagan Singh
28. Raghunath Tukaram
29. Bajirao Shripat
30. C. Vishwanath
31. Manohar Bhaurao
32. S.B. Nagpure
33. N.P. Pagar
34. Baliram B. Patil
35. Shantaram V. Patil
36. A.B. Alphanso
37. B.M. Jagtap
38. M.G. Jadhav
39. Pandurang Mangal
40. ~~Encies~~ D.Silva
41. M.B. Singh
42. Shivaji Shyamrao

(By Adv. Mr. G.K. Masand)
(for respondents 1 & 3 to 42)

..Respondents

O.A. No. 1388 of 1995 :

Divisional Railway Manager
Central Railway, Bombay V.T.
(By Adv. Mr. S.C. Dhawan)

..Applicant

1386 /95 contd.

V/s.

1. M.H. Patil
Sai Kripa, Room No.6
Ganesh Nagar, Behirkar
Pada, Taluka. Kalyan,
Dist. Thane 421301
2. Shri R.G. Sindhakar
Presiding Officer
Central Government Labour
Court No.1, Bombay
3. Dhondiram Shripat
4. Vasant Sakharam
5. Baliram Bhiwa
6. Ahmed Meoran
7. Rammath Inaderdeo
8. Subramaniam Kanappan
9. M.G. Jadhav
10. Ramchandra Shivaram
11. Krishnaji Sakharam
12. M. Thangappan
13. Kamala Singh K. Singh
14. C. Thangaswamy
15. Dnyandeo Krishnaji
16. Henry J. Rego
17. Sahebrao Sakharam
18. Sudhakar Dejappa
19. Francis D'Silva
20. Baban Datate
21. R.P. Yadav
22. Shivaji Shamrao
23. B.N. Jagtap
24. Prayadut Kalpanath
25. Raghubanch Gangaram
26. Dilbadur Khadkha
27. S.B. Nagpure
28. C. Vishwanath
29. S.D. Varadkar
30. M.B. Singh
31. Sham Sunder Tripathi
32. Krishnappa Nijalingappa
33. Janardhan Shinde
34. Digambar Damodar
35. Pandurang Mangal
36. G.D. Kulkarni
37. Hanumantha T. Deshmukh
38. M.M. Kolhatkar
39. S.V. Godambe
40. Narsappa Jakirappa
41. Shantaram N. Patil
42. P.N. Deshpande
43. V.N. Shetty

1388/95 contd.

- 44 Laxman Ramji
- 45 Ramdas Shridhar
- 46 Prabhu Singh
- 47 Inderali Kassim Saheib
- 48 Manohar Bhaurao Jadhav
- 49 Rajbali Baijnath Yadav
- 50 C.T. Chandran
- 51 Shankar Basappa
- 52 Satya Prakash Dube
- 53 G.B.V. Murthy
- 54 Abdul Hakim
- 55 N P Pagare
- 56 Sadashiv Y. Mirge
- 57 Habibuddin Imamuddin
- 58 Ratankar Chhaganrao
- 59 Urban Naronhna
- 60 R.C. Sharma
- 61 Papaji Shankar
- 62 J Y Kulkarni
- 63 Balchandra C. Patil

(By Adv. Mr. G.K. Masand)
(for respondents 123 to 63)

..Respondents

O.A. No. 102 of 1996 :

- 1. Union of India
through General Manager
Western Railway
Headquarter Office
Old Building, Churchgate
Bombay 400020
- 2. Divisional Railway Manager
Western Railway, Bombay Division
Bombay Central
Bombay 400008

(By Adv. Mr. V.S. Masurkar
Govt. Counsel)

..Applicants

V/s.

- 1. Nandkumar R. Hudder
C/o. Divisional Secretary
Paschim Railway Karmachari
Parishad, Chha pra Building
R K Vaidya Marg, Dadar (W)
Bombay 400028
- 2. S.B. Panse
Presiding Officer
Central Govt. Industrial
Tribunal No.2, Bombay
(By Adv. Mr. S.M. Dharap)

..Respondents

O.A. No. 114 of 1996 :

1. The President
Industrial Staff Union
Office 25, Ibrahim Mansion,
Dr. Ambedkar Road
Parel, Bombay 1
2. Jaywantrao Yeshwantrao
Asstt. B.K. C/o. I.G. Mint,
Mumbai 400023

(By Adv. Mr. D V Gangal)

..Applicants

V/s.

1. The Union of India
through Secretary,
Ministry of Finance
Department of Economic Affairs
New Delhi
2. The General Manager
India Govt. Mint
Mint Road, Fort
Bombay 1
3. The Presiding Officer
The Central Govt. Industrial
Tribunal No.2, City Ice
Building, Perin,
Nariman Street, Fort,
Bombay 23

(By Mr. Sureshkumar for
Mr. M.I. Sethna, Senior
Govt. Standing Counsel)

..Respondents

(For Respondents 1 & 2 only)

O.A. No. 164 of 1996 :

The Chief Commercial Supdtt.
Central Railway, Bombay V.T.
(By Adv. Mr. S.C. Dhawan)

..Applicant

V/s

1. D N Abhaulia
19 Manik Villa Colony
M.G. Road, Gwalior
474002, M.P.
2. Shri R.G. Sindhakar
Presiding Officer
Central Government
Labour Court No. Bombay
(Res.No.1 By Adv. Mr. S M Dharap)

..Respondents

O.A. No. 160 of 1996 :

The Chief Commercial Supdtt.
Central Railway
Bombay V.T.

(By Adv. Mr. S.C. Dhawan)

..Applicant

V/s.

1. D.M. Pathak
Ganesh Smruti
Jogalekar Wada
Neral, Dist. Raigad

2. Shri R.G. Sindhakar
Presiding Officer
Central Govt. Labour
Court No.1, Bombay
(Respondent No. 1 by
Adv. Mr. S M Dharap)

..Respondent

O.A. No. 733 of 1993 :

1. The Union of India
Owning and representing
Western Railway
through G.M. Western Railway

2. The Divisional Railway Manager
Western Railway, Bombay Central
(By Adv. Mr. M.S. Ramamurthy)

..Applicants

V/s.

1. Shri Narsingh R.
2. B.A. Naik
3. Dharampal Singh
4. I.S. Rana
5. K. Radhakrisan
6. Pandurang B.
7. Syed Qamar
8. A.D. Kamble
9. M.J. Patel
10. Pusphanathan K.
11. M.J. Kani
all ACC I/C and Attendant
working under Shop Supdt.
RAC, Western Railway,
Bombay Central

(By Adv. Mr. G.K. Masand)

12 Shri P D Apshankar
P.C., CGLC No.2, Bombay

..Respondents

O.A. No. 734 of 1993 :

1. The Union of India
owning and representing
Western Railway
through G.M. Western Railway
Bombay
2. The Divisional Railway Manager
Western Railway, Bombay Central

(By Adv. Mr. M.S. Ramamurthy)

..Applicants

V/s.

1. N K Nagwekar
2. D L Bondikar
3. J Y Raut
4. Anand Sherkar
5. Partap S.
6. B D Manchekar
7. S S Gawas
8. K S Parmar
9. Govind Santo
10. A B Pawaskar
11. Sitaram D.
12. Konadiram L.
13. S S Gawade
14. K B Kharat
15. P T Gharat
All ACC I/C & Attendant
working under Shop Supdt
RAC Western Railway,
Bombay Central
(By Adv. Mr. G K Masand)

16. Shri P D Apshankar
Presiding Officer
CGLC No.2, Bombay

..Respondents

O.A. No. 41 of 1996 :

1. Union of India
owning and representing
Western Railway through
the General Manager
Western Railway
Churchgate, Bombay 20
2. The Divisional Railway
Manager, Western Railway
Bombay Division, Bombay Central
Bombay

(By Adv. Mr. V.S. Masarkar
Govt. Counsel)

..Applicants

V/s.

O.A.41/96 conts.

1. Shri Haribhau Datta Dube
Son of Awadh Bihari Dube
Residing at Room No. 7,
Chawl No.2, Makbook Compound
Dindoshi Pada, Pathan Wadi
Malad (E), Bombay 400097
2. Shri A B M Shaikh
Commissioner for Workmen
Compensation and 7th
Labour Court at Bombay
Arun Chambers, 6th floor
Tardeo, Bombay 400034

(Respondent No.1 by Mr.

)

..Respondents

O.A. No. 42 of 96:

1. Union of India
owning and representing
Central Railway through
the General Manager
Central Railway, Bombay VT
2. Divisional Railway Manager
Central Railway, Solapur
Division, Solapur 413001

(By Adv. Mr. V.S. Masurkar
Govt. Counsel)

..Applicants

V/s.

1. Central Railway Mazdoor Sangh
Railway Quarter No.S-96
Near Central Railway Institute,
Solapur on behalf of 19
applicants before Labour Court
2. Shri S B Kalmankar, WTM/B
working in the office of Central
Railway, Solapur
3. Shri S B Panse, Presiding Officer
Central Govt. Labour Court No.2
City Ice Building, 298 P.Nariman
Street, GPO Box No.1035, Bombay-1

(Respondents Nos.1&2 to by Advocate
Mr.S.C. Halli)

..Respondents

O.A. No. 1484 of 1995 :

1. Union of India, owning and running Central Railway through the General Manager Head Quarter, Central Railway Bombay V.T.
2. The Divisional Railway Manager Central Railway, Bhusawal
(By Adv. Mr. V.S. Masurkar
Govt. Standing Counsel)

..Applicants

V/s.

1. Shri Arun G. Kulkarni,
Residence of Moon House No.3101
Kulkarni Plot, Bhusawal,
Dist. Jalgaon
(By Adv. Mr. D.V. Gangal)
2. Shri K.V. Thakre
Judge/Presiding Officer
Labour Court, Jalgaon

..Respondents

O R D E R
(Per: B.S. Hegde, Member (J))

1. Original Applications at Serial Nos. 1 to 10 were listed for orders on 20.8.1996 and O.A. Nos. 733 of 1993; 734 of 1993 were listed for final hearing. Original Applications Nos. 41/96, 42 of 1996 and 1484 of 1995 were on the sine-die list but were taken up on board to-day with the consent of the Counsel as they raise an issue identical with that in the remaining cases viz., whether the Central Administrative Tribunal has jurisdiction to entertain the petitions against the order / award of the Labour Court / Industrial Tribunal. All the

O.As. have already been admitted and interim relief has been granted in all the O.As, excepting O.A. Nos. 41/96; 114/96; 977/95; 733/93; 734/93 and 682/93;

2. This Tribunal in a common order dated 02.02.1996 passed at the admission and interim relief stage in respect of nine O.A. Nos. 99/96; 1107/95; 1387/95; 1388/95; 977/95; 1484/95; 41/96; 42/96; 102/96 took the view that the Tribunal has jurisdiction to entertain petitions against order / award of Labour Court / Industrial Tribunal under Section 19 of the Administrative Tribunals Act 1985 read with Article 226 of the Constitution of India.

3. The Hon'ble Supreme Court vide their order dated 08.05.1996 in S.L.P. (C) No.10702/96 arising out of O.A. No. 1107/95 has stayed the operation of the order of the Tribunal dated 02.02.1996. There are Miscellaneous Petitions for vacation of stay granted by this Tribunal in O.A. Nos. 99/96; 977/95; 1107/95; 102/96 164/96 and 169/96. We had not taken a view on these Miscellaneous Petitions because of the stay of the Hon'ble Supreme Court dated 08.05.1996 referred to above, which operates in the nine O.As alluded to in para 2 above.

4. Heard the arguments of Mr. P M Pradhan, Mr. Sureshkumar for Mr. M.I. Sethna, Mr. S.C. Dhawan,

Mr. M.S. Ramamurthy, Ms. Yeshoda Shenoy for
Mr. V.S. Masurkar, Mr. D.V. Gangal, all Counsel
for the Applicants and Mr. S.M. Dharap and
Mr. G.K. Masand, Counsel for the respondents.

5. The Counsel for the Respondents pointed
out that in the S.L.P. No.13426/96 in O.A. No.
1387/95 (M.B. Singh Vs. Divisional Railway Manager)
the Hon'ble Supreme Court has observed on 24.07.1996
as follows:-

"This Court in Krishna Prasad Gupta Vs.
Controller Printing & Stationery, J.T.
1995(7) S.C. 522 has held that the Central
Administrative Tribunal has no jurisdiction
to entertain the matters arising out of the
Industrial Disputes Act."

The observations of the Hon'ble Supreme Court in
Suraj Ram Vs. Union of India, (SLP (C) No.28452/95)
decided on 12.2.96 to the same effect have also been
referred to in the Miscellaneous Petitions for vaca-
tion of stay. The Ld. Counsel for the Respondents
urge that since the matter is no longer res-integra and
since the point of jurisdiction goes to the heart of
the matter, the Tribunal should dismiss the O.As. on
this ground alone, eventhough the O.As. have been
admitted and some listed for final hearing. We asked
the Ld. Counsel as to the implications of the stay
order of the Hon'ble Supreme Court dated 8.5.1996

for any such order. The counsel for the Respondents submitted that the effect of stay by the Hon'ble Supreme Court of the operation of the order of the Tribunal is that the Respondents would be entitled to grant of benefit of the awards / orders of the Industrial Court / Tribunal. The effect of dismissal of QAs on ground of non-maintainability for lack of jurisdiction will be the same. Therefore, the applicants will not be in a worse position.

6. The Lt. Counsel for the applicants urged that the fact of stay order passed by the Hon'ble Supreme Court on 8.5.96 does not seem to have been brought to the notice of the Hon'ble Supreme Court while the Apex Court passed its order dated 24.7.96 in S.L.P. No.13426/96. Therefore, it is not clear whether the order of the Hon'ble Supreme Court staying operation of the order of the Tribunal is still operative. Therefore, they requested that time may be given to them to file an appropriate application before the Hon'ble Supreme Court of India. The Lt. Counsel for the applicants further submit that even assuming that this Tribunal has no jurisdiction to entertain these matters, liberty should be given to the applicants to agitate the matters in appropriate forum as the question of limitation would be involved.

7. Having considered the rival contentions of the parties, we are of the view, that the Central

Administrative Tribunal has no jurisdiction to entertain an application under Section 19 of the Administrative Tribunals Act, 1985 against an award / order of the Labour Court / Industrial Tribunal. This is the law laid down by the Hon'ble Supreme Court under Article 141 of the Constitution of India and we are bound to follow it.

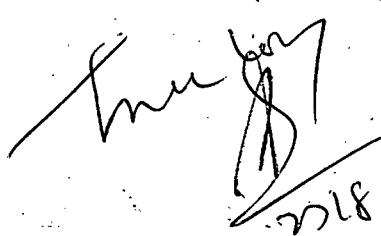
8. We, therefore, dismiss the Original Applications for want of jurisdiction to entertain these O.As. We make it clear that we have not decided these O.As. on merit and therefore the applicants are at liberty to approach the appropriate forum of competent jurisdiction, if they are so advised, for any relief. No order as to costs.

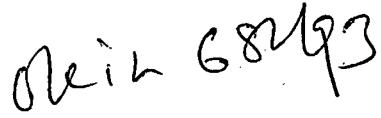
Ld. Counsel in S.L.P. (C) No.10702/96 arising out of O.A. No.1107/95 are directed to bring these orders of ours to the notice of the Hon'ble Supreme Court as and when the S.L.P. (C) No.10702/96 comes up before the Hon'ble Supreme Court.

(M.R. Kolhatkar)
Member (A)

(B.S. Hegde)
Member (J)

trk


M.R. Kolhatkar
27/8


B.S. Hegde
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