

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 61/94

Transfer Application No:

DATE OF DECISION: 17.8.1994

Ananda Yeshwant & Ors. Petitioner

Shrikant - Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Shri A.L.Kasturey Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri M. S. Deshpande, Vice-Chairman.

The Hon'ble Shri

1. To be referred to the Reporter or not ? *NO*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *NO*

[Signature]
(M. S. DESHPANDE)
VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

Original Application No. 61/94.

Ananda Yeshwant & Ors.

.... Applicants.

v/s.

Union of India & Ors.

.... Respondents.

Coram: Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

Appearances:-

None for the applicant.

Respondents by Shri A. L. Kasturey.

Oral Judgment:-

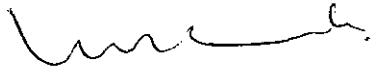
[Per Shri M. S. Deshpande, Vice-Chairman] Dt. 17.8.1994

The only controversy in the present case is whether the Truck Drivers working at Parel Workshop are entitled to get T.A. for the duty performed by the road-way from Parel to Churchgate/Budhwar Park.

2. The applicants who are Motor Lorry Drivers represented in 1989 through various channels to the Respondents that they should be paid T.A. as the journey undertaken by them was in excess of 8 kms. Nothing was done by the Respondent Western Railway Administration and the applicants applied by ventilating their grievance under the provisions of Section 22 of the Industrial Disputes Act by the letter dt. 18.1.1990. The Assistant Labour Commissioner initiated the Conciliation Proceedings by order dt. 24.1.1990. It is contended that on 7th August, 1990 both the Employer and the Union agreed to make a joint reference for voluntary adjudication in Central Government Industrial Tribunal - upon the question to which I have adverted above. No such reference was made, but instead the Respondents issued certain other directions according to which the applicant were not entitled to any TA for the aforesaid distance. The Conciliation Proceedings did not materialise

and ended in a failure. It was therefore, clear that instead of the Respondents taking one view of the matter or the other, the matter should have been referred to the Central Government Industrial Tribunal for adjudication. There is no appearance on behalf of the applicants at the time of the hearing and Shri A.L.Kasturey, learned counsel for the Respondents is heard. The only course open to me now is to direct the Respondent No.1 which is the appropriate Government to make a reference for adjudication to the Industrial Tribunal under section 10(1)(d) of the Industrial Disputes Act. This should be done within a period of three months from the date of communication of this order.

3. The Original Application is accordingly disposed of.


(M.S. DESHPANDE)
VICE-CHAIRMAN

B.

(6)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

Review Petition No.103/94
in
Original Application No.61/94.

Ananda Yeshwant & Ors.

.... Applicants.

v/s.

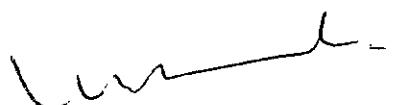
Union of India & Ors.

.... Respondents.

ORDER ON REVIEW PETITION BY CIRCULATION

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 30.9.94

By this Review Petition the applicants urge that the order passed by the Tribunal on 17.8.1994 directing the Respondent No.1 to make a reference for adjudication to the Industrial Tribunal under Section 10(1)(d) of the Industrial Disputes Act, does not afford any efficacious remedy to the applicants and therefore the matter may be fixed for hearing. Even the letter dt. 1.9.1991 issued by the D.R.M. Bombay Central to which reference has been made in the Review Petition would not decide the controversy unless a reference is made as directed. I see, therefore, no merit in the Review Petition. It is dismissed.


(M.S.DESHPANDE)
VICE-CHAIRMAN

B.