

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 276/95

Transfer Application No.

Date of Decision 28.7.95

J.R. Shetty and Others. Petitioner/s

Shri M.S. Ramamurthy Advocate for
the Petitioners

Versus

Union of India and others. Respondent/s

Shri R.K. Shetty Advocate for
the Respondents

CORAM :

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

Hon'ble Shri. P.P. Srivastava, Member (A)

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to
other Benches of the Tribunal ?


(M.S. Deshpande)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 276/95

J.R. Shetty & Ors.

... Applicants

V/s.

Union of India
through the Secretary
Ministry of Surface
Transport, Government
of India, Transport
Bhavan, New Delhi.

The Director General
of Shipping, Directorate
General of Shipping,
Jahaz Bhavan, Walchand
Hirachand Marg., Ballard
Estate, Bombay.

The Deputy Director,
Seamen's Employment Office
Nou Bhavan, 10, Ramjibhai
Kamani Marg., Ballard
Estate, Bombay.

The Principal Officer
Marcantile Marine Department
Old CGO Building
Maharshi Karve Road,
Churchgate, Bombay

The Dy. Secretary
Govt. of India
Central (Surplus Staff) Cell,
Department of Personnel & Training,
Ministry of Personnel
Public Grievances & Pension
New Delhi.

The Director General of Employment
& Training (Spl. Cell),
Ministry of Labour,
Shram Shakti Bhavan,
Rafi Marg, New Delhi

... Respondents.

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

Hon'ble Shri P.P. Srivastava, Member (A)

Appearance:

Shri M.S. Ramamurthy,
counsel for the applicant.

Shri R.K. Shetty, counsel
for the respondents.

ORAL JUDGEMENT


Dated: 28.7.95

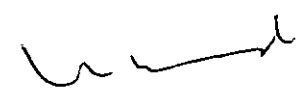
¶ Per Shri M.S. Deshpande, Vice Chairman ¶

Heard Shri M.S. Ramamurthy, counsel
for the applicant at length.

2. The persons who belongs to Upper Division Clerks/ Lower Division Clerks/Daftaries and Peon in Seamen's Employment Office in Bombay are being referred to surplus cell because of reduction of strength consequent upon the exemption of 14 Shipping Companies under Section 456 of the Merchant Shipping Act. According to Shri M.S. Ramamurthy the Government had taken a policy decision for more and more exemption under Section 456 and it is likely to result in taking away the entire work of Seamen's employment office. The main basis for the challenge is therefore the notification by which the exemptions have been granted to 14 Shipping Companies under the provisions of Section 456 ^{and} the beneficiaries, under that notification are the Shipping Companies. So far no challenge has been raised ~~in this effect~~ to that notification and unless the challenge is raised to that notification, what would be incidental to the issuance of the notification cannot be a subject matter ^{of the present} to challenge. Shri Ramamurthy states that in view of this position he would like to move to the High Court for challenging the ~~same under the~~ provisions of Section 456 Merchant Shipping Act and the applicant may be protected to enable them to move to the High Court.

3. We, therefore allow the applicants to withdraw this petition with liberty to approach the High Court for the requisite relief. Status quo with regard to the applicant will continue for a period of four weeks. Accordingly O.A. is disposed of.


(P.P. Srivastava)
Member (A)


(M.S. Deshpande)
Vice Chairman