

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO.269/95 &
ORIGINAL APPLICATION NO.688/95

Dated this Tuesday the 29th Day of February, 2000.

Coram : Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman
Hon'ble Shri B.N. Bahadur, Member (A)

1. I.N. Dockyard Employees Union
through its General Secretary,
Shri Nizamuddin M. Ali
C/o.IN Dockyard Employees Union
166, Dr.D.N. Road, Bombay - 400 001.
2. R.S. Singh
working as Engine Fitter-HSK-I
in the Floom Maintenance Unit,
Naval Dockyard, Bombay - 400 023.

.. Applicants in
OA 269/95 &
OA 688/95.

(By Advocate Shri R.P. Saxena)

Vs.

1. Union of India, through the
Secretary, Ministry of Defence,
South Block, New Delhi-11.
2. The Flag Officer Commanding-in-Chief
Western Naval Command,
Bombay-400001.
3. The Admiral Superintendent,
Naval Dockyard,
Bombay-400023.
4. The Officer-in-Charge,
Floom Maintenance Unit,
Naval Dockyard,
Bombay - 400 023.
5. The General Manager,
Naval Armament Depot,
Gungate, Naval Dockyard,
Bombay - 400 023.
5. The General Manager,
Naval Armament Depot,
Karanja, C/o.Floom Mail Office,
Bombay - 400 001.

.. Respondents in
OA 269/95 & OA
688/95.

.. Respondent in
OA 269/95.

.. Respondent in
OA 688/95

6. The General Manager,
Naval Armament Depot,
Karanja, C/o. Froot Mail Office,
Bombay - 400 001. .. Respondent in
OA 269/95
6. The Base Victualling Officer,
Base Victualling Yard, Colaba,
Bombay - 400 005. .. Respondent in
OA 688/95
7. The General Manager,
Naval Armament Depot,
Trombay,
Bombay - 400 088. .. Respondent in
OA 269/95
7. The Material Superintendent,
Naval Store Depot, Ghatkopar (W),
Bombay - 400 086. .. Respondent in
OA 688/95
8. The Base Victualling Officer,
Base Victualling Yard, Colaba,
Bombay - 400 005. .. Respondent in
OA 269/95

(By Advocate Shri V.S. Masurkar).

O R D E R (Oral)

We have heard Shri R.P. Saxena, Advocate for the applicant and Shri V.S. Masurkar, Advocate for Respondents.

2. In these OAs the applicants are agitating for certain rights under the Industrial Law before this Tribunal.

3. A subsequent event was brought to our notice by the Respondent's Counsel at the time of arguments before us. A Government Order dated 26.7.1979 is shown to us, under which the dispute pertaining to the Industrial Workers of Naval Dockyard has been referred to the Central Government Industrial Tribunal cum Labour Court, Mumbai

for giving its decision. Therefore the said Tribunal is now seized of the matter in view of the Order passed by Government of India. After the decision of the Supreme Court in K.P. Gupta's case (1995(7)JT Page 522) this Tribunal has no jurisdiction to grant any relief to workmen under the Industrial Law. The Industrial Tribunal has already been moved by the Union for getting relief. Therefore the present application is no longer maintainable by this Tribunal in view of the said subsequent events.

4. In view of the reasons explained above, the OA^{re} is disposed of as not maintainable in this Tribunal. It is open for the applicants to agitate their claim before the Industrial Tribunal according to law. All contentions on merits are left open. There will be no order as to costs.

(B.N. BAHADUR)
MEMBER (A).

(R.G. VAIDYANATHA)
VICE CHAIRMAN.

H.