

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 vacation 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 OAs 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 Ld. 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 Ld. 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)

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