

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 141/98.

Friday, this the 31st day of July, 1998.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
Hon'ble Shri D.S.Baweja, Member(A).

D.R.M., Central Railway,
Bombay V.T. and Anr.

... Applicants.

V/s.

Shri V.N.Shetty & Ors.

... Respondents.

(By Advocate Shri Suresh Kumar).

O R D E R

¶ Per Shri Justice R.G.Vaidyanatha, Vice-Chairman ¶

This application is registered on the basis of Writ Petition No.2351/86 received on transfer from High Court of Bombay. From the record it is seen that Additional Prothonotary and Senior Master by office order dt. 3.4.1997 transferred the Writ Petition to this Tribunal on the basis of the directions given by the then Chief Justice of Bombay High Court. Presumably, the then Hon'ble Chief Justice directed that all service matters pertaining to Central Government officials should be decided by the Central Administrative Tribunal.

2. After hearing the learned counsel for the applicants and on perusal of the materials on record we find that the applicant namely the Railway Administration is challenging the impugned order dt. 30.4.1984 passed by the Central Government Labour Court No.1 at Bombay on a petition filed by the workmen under Section 33-C-2 of the Industrial Disputes Act, the Labour Court passed the order directing the Railway Administration to pay the Over-time wages to the workmen who filed the case. Being aggrieved by that order the Railway Administration filed the Writ Petition


in the High Court of Bombay.


3. It is well settled that this Tribunal has no appellate jurisdiction over the orders passed by the Labour Court. The matter is concluded by a recent decision of the Supreme Court reported in K.P. Gupta V/s. Controller of Training (JT 1995(7) SC 522). The Supreme Court clearly observed that in view of Section 28 of the Administrative Tribunal's Act, the Tribunal under the Administrative Tribunals Act has no appellate or original jurisdiction regarding the Industrial Dispute. The Supreme Court at page 537 para 45, observed (as) follows :

"..... the Labour Courts and Industrial Tribunals etc. over which the High Court exercises supervisory jurisdiction continue to function with the incongruous result that though the High Court cannot quash their judgments, it must continue to supervise their functioning."

In view of this, we hold that the present application cannot be entertained by this Tribunal and no reliefs can be granted by this Tribunal.

4. For the above reasons we direct the Registrar to send the papers of Writ Petition to the Hon'ble High Court of Bombay along with a covering letter.


(D.S. PAWEJA)
MEMBER (A)


(R.G. VAIDYANATHA)
VICE-CHAIRMAN.

B.