

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.