

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

R.P. 81/91  
in  
O.A. 855/91

Date: 20.9.1993

Between:

G.Rama Murthy

.. Applicant

and

1. The Divisional Engineer,  
Telecom, Bhimavaram-532 204.

2. The Industrial Tribunal,  
Ramkote, Hyderabad-500 001.

.. Respondents

Appearance:

Counsel for the Applicant : Sri C.Suryanarayana

Counsel for the Respondents: Sri                       
Addl. CGSC

CORAM:

The Hon'ble Mr. A.B.Gorthi, Member (Administration)

The Hon'ble Mr. T.Chandrasekhar Reddy, Member (Judicial)

J u d g e m e n t

[As per the Hon'ble Mr. T. Chandrasekhar Reddy, Member (J) ]

The applicant was a casual clerk and had been disengaged in the year 1982. Questioning the action of the respondents in disengaging him, the applicant approached the Industrial Tribunal U/s 25 (f) of the Industrial Tribunal Act. The Tribunal, by its award dt. 25.8.90 passed the following order:

"In the result and demand of Sri G.Rama Murthy,  
Ex-employee of Telecom, Bhimavaram for his absorption on regular basis in the post of Telephone operator or Office Asst. is justified and he must

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be immediately absorbed into service from the date of his dismissal or termination or non-engagement but without any back wages, with all other attendant benefits.

Award is passed accordingly."

2. O.A.No.855/91 was filed by the petitioner for the relief to direct the first respondent to implement the said award, from the date of its enforceability declaring that, the applicant is entitled to back wages from the date of his illegal retrenchment. The O.A 855/91 came up for admission on 4.9.91. The Division Bench of the Tribunal rejected the O.A. by passing the following order.

"So, in view of the latter, the executing court is not the Administrative Tribunal but it is the Chief Judicial Magistrate or the Chief Metropolitan Magistrate that the executing authority for the awards passed by the Industrial Tribunal or the Labour Court. So, this court has no jurisdiction to entertain this petition. Hence, the petition is dismissed as not admissible.

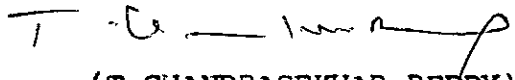
3. RP No.81/91 is filed (by the applicant in O.A.No. 855/91) to review the said order dt.4.9.91 in O.A.No.855/91. We have heard the counsel for the review petitioner, SC for respondents. It is the contention of Sri Suryanarayan counsel for the review petitioner in the R.P. that the services of the applicant had been terminated illegally, and as such he is entitled for the back wages from the date he had been disengaged. This Tribunal has got jurisdiction to entertain the claim with regard to the said back wages, and as such this Tribunal had committed an error in rejecting O.A.No.855/91 in toto. The learned counsel for the review petitioner conceded that the Tribunal is not an executing authority for the award passed by the Industrial Tribunal. But we find an error apparent

20/10/91

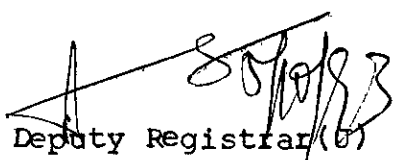
~~in this regard~~ in rejecting the claim of the applicant with regard to back wages. Whether the applicant is entitled for the back wages or not is a matter, ultimately, that has to be decided in the O.A. But so far his claim is concerned, the applicant has got a right to approach this Tribunal. Hence it has become necessary to review the order dated 4.9.91 suitably. Hence in the last para of the order dated 4.9.91 after the sentence, "So, this court has no jurisdiction to entertain this petition ....."; in continuation <sup>add:</sup> "except with regard to back wages. Admit the O.A. only with regard to claim for back wages."

4. This R.P. is allowed as indicated above. Issue revised order accordingly. List O.A. for orders on 1.11.93. Counter of the respondents in the meanwhile.

(Dictated in the Open Court)

  
(T.CHANDRASEKHAR REDDY)  
Member (Judl.)

  
(A.B.GORTHY)  
Member (Admn.)

  
Deputy Registrar (U)

To kmv/ad

1. The Divisional Engineer,  
Telecom Bhimavaram-204.
2. The Industrial Tribunal,  
Ramkote, Hyderabad-1.
3. Onecopy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
4. One copy to Mr. Addl.CGSC.
5. One copy to Library,CAT.Hyd.
- 6.One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 20 - 9 - 1993

ORDER/JUDGMENT:

M.A./R.A./C.A.No. 81/91

in

O.A.No. 855/91

T.A.No.

(W.P.)

Admitted and Interim directions  
issued

RP

Allowed.

list on 1/11/93

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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