

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No.987/94
With
Miscellaneous application No.254/96.

Dt. of Order:6-6-96.

Between :-

1. Union of India rep. by the
General Manager, S.E.Railways,
Garden Reach, Calcutta-43.
2. The Divisional Railway Manager,
S.E.Railway, Waltair.
3. The Asst.Engineer, S.E.Railway,
Srikakulam.

...Applicants

And

1. Sri N.Appa Rao, Gangman, DTM-5,
S.E.Railway, Naupada,
C/o PW1 - Naupada.
2. Commissioner of Workmen's Compensation
and Asst.Commissioner of Labour,
Srikakulam.
3. Commissioner for Workmens Compensation
and Dy.Commissioner of Labour,
Akkayyapalem, Visakhapatnam.

...Respondents

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Counsel for the Applicants : Shri N.R.Devaraj, SC for Rlys

Counsel for the Respondents : Shri P.Krishna Reddy, Advocate

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN *hck*

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A) *Q*

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(Judgement per Hon'ble Justice Shri M.G.Chaudhari,
Vice-Chairman).

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Sri P.Krishna Reddy counsel for Respondent No.1.

Sri N.R.Devaraj, for applicants. Respondents 2 & 3 served. Although the M.A., which is filed for vacating the stay granted in the O.A. is placed for hearing today, we are disposing of the O.A. itself by consent of counsel for the applicants and respondent No.1.

2. The Respondent No.1, N.Appa Rao, who is working as Gangman in DTM No.5 under PWI/Naupada under the South Eastern Railways filed a claim before the Commissioner for ~~Workman's~~ Compensation and Dy.Commissioner of Labour, Visakhapatnam on 30-3-90, claiming compensation in the sum of Rs.12,966.35 on account of ~~injury~~ suffered by him while on duty on 18-7-89 when ~~it was urged that~~ he was attacked by a bear and was ~~severely and was~~ caused multiple injuries. According to him at that time he was performing patrolling duty. The claim was numbered as WC 80/90.

3. The present applicants (original opposite party) resisted the claim by their counter dt.15-11-90.

4. The case was transferred to the Commissioner for ~~Workman's~~ Compensation at Srikakulam on 11.11.91/31.12.92 and ~~re~~ numbered as WC 3/91. The Commissioner by order dt.10-9-93 partly allowed the claim of the Respondent No.1 and awarded compensation of Rs.9,345/-, which was directed to be paid within 30 days. Pursuant to the direction of the

Commissioner, the applicants herein deposited the said amount with the Commissioner on 30-12-93.

5. The applicants thereafter filed the instant O.A. challenging the order of Commissioner and obtained interim stay of the disbursement of the amount to the Respondent No.1 until further orders. That order was passed on 26-8-94. By the Miscellaneous Application, ^{the} Respondent No.1 ^{has} applied for vacating the stay.

6. Thus the O.A. has been filed against the order passed by the Commissioner under the Workmen's Compensation Act. The O.A. has been filed in the nature of an appeal ^{against} on that order. In the O.A. it has been stated that this Tribunal has got jurisdiction to entertain ^{the} application in terms of section 28 read with section 14 of the Administrative Tribunals Act, 1985, as held by the Full Bench of the Tribunal in the case of Union of India Vs. Sarup Chand Singla 1989 (1) SLJ/. ^{491 (CAT)} Sri N.R.Devaraj, counsel for the applicants maintained the said submission. However the learned counsel for the Respondent No.1 disputes the same.

7. The question ^{of} jurisdiction is no longer ~~is~~ open to ^{debate} ~~doubt~~ in view of the latest judgement of the Supreme Court ~~in view of the latest judgement of the Supreme Court~~ in the case of Krishan Prasad Gupta Vs. Controller, Printing & Stationery reported at 1995 (2) SC (S.L.J) SC S.L.J 468. It has been held that inspite of section 14 of the Administrative Tribunals Act, the jurisdiction of the

authorities under the I.O. Act or authority created under other corresponding Law remains un-affected. The Workman's Compensation Act being part of the same social Legislative canopy relating to Industrial Law we hold that the Workman's Compensation Act is a "Corresponding Law" contemplated under clause (b) of section 28 of the Administrative Tribunal Act, 1985. As a result of saving clause in section 14 and provisions of section 28 clause (b) of the Act, the jurisdiction of the Appellate Authority created under the Workman's Compensation Act is saved and that jurisdiction has not been conferred upon the Tribunal as contended by the applicants. Consequently we hold that the G.A. has been erroneously filed in this Tribunal which lacks jurisdiction to entertain the same and the proper remedy for the applicants was to file an appeal against the impugned order before the appropriate appellate authority under the Workman's Compensation Act. Since we are satisfied that the position as regards jurisdiction was not very clear till the aforesaid decision of the Supreme Court was rendered, we hold that the applicants have approached the Tribunal under a mistaken belief that the Tribunal was vested with the jurisdiction to entertain the appeal in the nature of Original Application. We are therefore inclined to grant liberty to the applicants to prefer an appeal before the appropriate forum in order to enable them to apply for interim orders in the appeal. We are inclined

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to continue the interim stay for a limited duration. In the result the following order is passed :-

(a) The OA is returned to the applicants for want of jurisdiction with liberty to them to file an appeal before the appropriate forum.

(b) The interim order dt.26-8-94 is hereby extended for a period of three months from today and shall stand vacated automatically thereafter. The parties will thereafter abide by the orders of the Appellate Court.

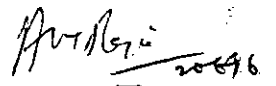
8. Original Application is disposed of accordingly in the above terms.


(H. RAJENDRA PRASAD)
Member (A)


(M.G.C. CHAUDHARY)
Vice-Chairman

Dated: 6th June, 1996.
Dictated in Open Court.

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Deputy Registrar (DCC)

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To

1. The General Manager, Union of India,
S.E.Rlys, Garden Reach, Calcutta-43.
2. The Divisional Railway Manager,
S.E.Rly, Waltair.
3. The Assistant Engineer, S.E.Rly,
Srikakulam.
4. The Commissioner of Workmen's Compensation
and Asst.Commissioner of Labour,
Srikakulam.
5. The Commissioner for Workmens Compensation
and Deputy Commissioner of Labour,
Akkayyapalem, Visakhapatnam.
6. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
7. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

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Received
on 20/6/96
20/6

urgent
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I COURT

4/7/96

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 6-6-1996

~~ORDER~~/JUDGMENT

M.A./R.A/C.A.No.

in

O.A.No. 595/96 - 987/94.

T.A.No. (W.P.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH

- 1 JUL 1996

हैदराबाद बेंच
HYDERABAD BENCH