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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD.

R.A.No.76 of 1997
In
O.A.No.1327 of 1994.

Date of Order- 6-11-1997.

Between :

R. Gopala Rao Applicant

And

1. The Telecom District Manager,
Guntur- 522 050.

2. The Chief General Manager,
Telecom, A.P., Hyderabad.

3. The Representing Union of India,
New Delhi-110 001.

4. The Presiding Officer,
Labour Court-1,
Hyderabad.

Respondents

Counsel for the applicant - Mr. C. Suryanarayana
Counsel for the respondents- Mr. K. Ramulu

Coram :

The Honourable Mr. R. Rangarajan, Member(Admn.)

The Honourable Mr. B.S.Jai Parameshwar, Member(Judl.)

O R D E R.

(Per Hon. Mr. B.S.Jai Parameshwar, Member(J))

1. Heard Mr. C. Suryanarayana, learned counsel for the applicant and Kumari Shyama for Mr. K.Ramulu, learned counsel for the respondents.

2. The applicant in the O.A. has filed this application to review the order dated 10.9.97 passed in the O.A.

3. This Tribunal relying upon the principles enunciated by the Hon'ble Supreme Court of India in the case of Krishnan Das Gupta v. Collector of Printing & Stationery (AIR 1966 SC 408) formed an opinion that this Tribunal has no jurisdiction

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to consider the validity or otherwise of the award passed by the respondent No.4 in the Industrial Dispute No.138 of 1989 dated 2.11.93. Accordingly, a direction was issued to the registry to return the O.A. to the applicant for being presented before the competent judicial forum.

4. The applicant has filed this application praying for review of the said order on the ground that the industrial dispute before the respondent No.4 was not maintainable; that the respondent No.4 though held that the removal of the applicant from service was proper, had formed an opinion that the dispute was not maintainable; that the view taken by the Tribunal is erroneous and based on merits ignoring the award passed by the respondent No.4.

5. The learned counsel for the applicant during course of his arguments relied upon the decision in the case of *Suleman Noormohamed v. Umarbhai Janubhai*, reported in AIR 1978 SC 952. Further he has also submitted various arguments. Perused the same.

6. The citations which held that this Tribunal had jurisdiction or authority to consider the validity of the awards passed by the Labour or Industrial Courts under the provisions of the Industrial Disputes Act, the Payment of Wages Act, Minimum Wages Act etc. were earlier to the decision relied upon by us while disposing of the O.A.

7. The contention of the learned counsel for the applicant that we can decide the O.A. on merits ignoring the award passed by the respondent No.4 cannot be accepted. If such a view is taken, then the question of limitation requires to be considered. In that, the applicant was dismissed from service on 10.8.84. He submitted a revision petition against his dismissal. There was no

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response from the respondents 1 to 3rd.

8. Then the applicant on 21.12.88 filed a petition before the respondent No.4 under Section 2-A(2) of the Industrial Disputes Act which was treated as I.D. Case No.138/89.

9. The respondents 1 to 3 participated before the respondent No.4 in the said proceeding. After hearing the parties, the respondent No.4 passed the award on 2.11.93 which is impugned in this O.A.

10. Unless and until the award passed by the respondent No.4 is annulled by a competent court, it

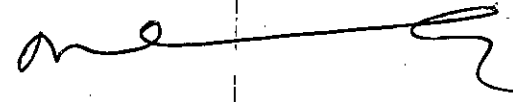
must be said that the said award is non-est. The respondent No.4 when formed an opinion that the dispute was not maintainable, it should have returned the dispute unanswered. On the other hand, the respondent No.4 held that the removal of the applicant from service was proper, as disclosed in para-7 of the award (Annexure-6 to the OA).

11. In that view of the matter, we feel that there is no warranting review.

12. The order dated 10.9.97 passed in the O.A. is proper and does not call for review.

13. Hence the R.A. is dismissed. No order as to costs.


(B.S. Jai Parameshwar)
Member(Judicial)


(R. Rangarajan)
Member (Administrative)

Dated the 6th November, 1997.

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