

(31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD HENCH

AT HYDERABAD

CA NO. 1475/96

Dated: 8/7/96.

Between

1. General Manager  
South Central Railway  
Rail Nilayam, Hyderabad

2. Chief Personnel Officer  
South Central Railway  
Rail Nilayam  
Secunderabad

.. Applicants

and

1. Sri Abdul Haq Saharwardi

Indian Railways Construction Co. Ltd. (IRECON),  
Palika Bhavan, Sector XIII  
R.K. Puram  
New Delhi 110066

3. The Chairman  
Hyderabad

.. Respondents

Counsel for the applicants .. J.R. Gopala Rao,  
SC for Railways

Counsel for Respondent-1 .. G.V. Subba Rao,  
Advocate

Counsel for Respondent-2 .. Siva Prasad, Advocate

Counsel for Respondent-3

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

*8/7/96*  
*m*

Judgement

Oral order (per Hon. Justice Mr. M.G. Chaudhari, VC )

✓ Mr. Sri V. Rajeswara Rao for Sri J.R. Gopala Rao, Standing counsel for the applicants. Advocate for Respondent-2 is absent. Mr. G.V. Subba Rao is represented by Sri N. Ethiraju for Respondent-1.

✓ 2. The South Central Railway seeks to challenge ~~from~~ <sup>by</sup> this OA, the award passed by the Labour Court ~~in~~ <sup>of</sup> Andhra Pradesh, Hyderabad dated 12-11-1993 awarding a sum of Rs.1,51,193.30ps to the Respondent-1, Abdul Haq Saharwardi, under section 33-C(2) of the Industrial Disputes Act, towards arrears of salary. The Respondent-1 was a Senior Draftsman at the material time working under the South Central Railway and he had claimed the arrears of salary for the period during which he was on deputation and his claim had been negatived by the South Central Railway. The Labour Court also awarded interest at 12% p.a. as indicated in the order on the amount of wages <sup>awarded</sup> to the Respondent-1. The award was passed on an application filed under section 33-C(2) of the ID Act.

✓ 3. Mr. G.V. Subba Rao, learned counsel for the Respondent-1 contends that this Tribunal has no jurisdiction to entertain and hear the original application. <sup>He relies upon</sup> ~~We rely upon~~ the decisions of the Supreme Court in the case of Krishan Prasad Gupta vs. Controller Printing and Stationery (1995(2) SC SLJ 468 ) and in the case of Sri Suraj Ram vs. Union of India and another rendered in Civil Appeal No.3370/96 dated 12-2-1996.

✓ 4. The question of jurisdiction <sup>was</sup> is left open to be agitated and the OA was admitted subject to that liberty. We have



already examined the submission urged on behalf of South Central Railway on the point of jurisdiction in identical matter in MA.536/96 in OASR.1056/96 and Batch of cases in the order separately passed. We have held that in view of the above mentioned decisions of the Supreme Court this Tribunal has no jurisdiction to entertain an OA under section 19 of AT Act against an award passed by the Labour Court. In that view of the matter the OA has to be held as not maintainable.

5. In the result the following order is passed :

The OA is dismissed for lack of jurisdiction. The interim order of stay of the impugned order granted on 19-12-1994 is vacated. No order as to costs.

H. Rajendra Prasad  
(H. Rajendra Prasad)  
Member (Admn.)

M.G. Chaudhari  
(M.G. Chaudhari)  
Vice Chairman

Dated : July 8, 96  
Dictated in Open Court

*Amriti*  
Deputy Registrar (S)C

sk

O.A.1475/94.

To

1. The General Manager,  
SC Rly, Railnilayam, Hyderabad.
2. The Chief Personnel Officer  
S.C.Rly, Railnilayam, Secunderabad.
3. The Managing Director,  
Indian Railway Construction Co.Ltd.(IRCON)  
Palika Bhavan, Sector XIII  
R.K.Puram, New Delhi-66.
4. The Chairman, Labour Court-I, Hyderabad.
5. One copy to Mr.J.R.Gopala Rao, ~~xxxxxx~~, SC for Rlys, CAT.Hyd.
6. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
7. One copy to Mr.Siva Prasad, Advocate, CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

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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: 8 - 7-1996

ORDER/JUDGMENT

M.A./R.A/C.A.NO.

in  
O.A.No. 595/96 1475/94

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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