

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 01.12.94.

OA 583/94

PAPPU SINGH

... APPLICANT.

v/s.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

HON'BLE MR. B.N.DHOUNDIYAL, MEMBER (A).

For the Applicant

... SHRI SHIV KUMAR.

For the Respondents

... ---

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant Pappu Singh has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying for a declaration that his retrenchment/termination by order dated 7.9.94 is illegal. He has further prayed that the impugned order be quashed and the respondents be directed to continue the applicant in service with all consequential benefits.

2. The applicant was serving as a Rest House Attendant, RMS Rest House, Kota, w.e.f. 17.5.86 vide order dated 17.5.86 (Annexure A-2). It is contended by the applicant that the PWT Department is an industry as per the provisions contained in the Industrial Disputes Act, 1947. He also states that he is a workman and the provisions of the Industrial Disputes Act, 1947 are applicable to his case.

3. It has been held by a Full Bench of the Central Administrative Tribunal, in the case of A.Padmavally & Ors. Vs. CPWD & Telecom, reported in 1990 (3) SLJ (CAT) 544, that the Administrative Tribunals constituted under the Administrative Tribunals Act are not substitutes for the authorities constituted under the Industrial Disputes Act and hence the Administrative Tribunal does not exercise concurrent jurisdiction with those authorities in regard to matters covered by that Act. It has

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further been held that an applicant seeking a relief must ordinarily exhaust the remedies available under the said Act. In view of this decision, this application is premature and it is, therefore, dismissed as being premature at the stage of admission.

B.N.Dhundiyal
(B.N.DHUNDIYAL)
MEMBER (A)

Gopalkrishna
(GOPAL KRISHNA)
MEMBER (J)