

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

Date of order: 28-2-1996

OA No.138/96

Het Ram and Hari Ram

.. Applicants

Versus

Union of India and Others

.. Respondents

Mr. Karanpal Singh, Counsel for the Applicants

CORAM:

HON' BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON' BLE MR. O.P.SHARMA, ADMINISTRATIVE MEMBER

ORDER

PER HON' BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicants Het Ram and Hari Ram have filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to call them for interview for the post of regular Workman/Safaiwala and consider them for appointment to the said post.

2. We have heard the learned counsel for the applicants.

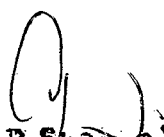
3. Applicant No.1 Het Ram was appointed in August, 1989 in the office of S.D.O. Telephones, Alwar as a Casual Employee. Applicant No.2, Hari Ram also worked from August, 1989 to October, 1990. The applicants have challenged the order dated 1-11-95 issued by the Divisional Engineer (Administration), Alwar, whereby they were excluded from consideration, whereas the other Casual Employees who had worked upto 1985 or 1988 have been called for the interview. It is also stated that the names of the applicants were not sponsored by the Employment Exchange.

4. The main contention of the applicants is that

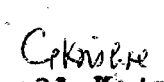
the action of the respondents in not considering

them for interview is in flagrant violation of Section 25 H of the Industrial Disputes Act, 1947. It is also contended that the provisions of the Industrial Disputes Act, 1947 were not complied with by the respondents in a fair manner.

5. It has been laid down in the case of A. Padmavalley and others Vs. C.P.W.D. and Telecom reported in 1990(3) SLJ (CAT) 544 that the Administrative Tribunals are not substitutes for the authorities constituted under ^{the} Industrial Disputes Act and hence they do not exercise concurrent jurisdiction with these authorities in regard to matters covered by that Act. Hence all matters over which the Labour Court or the Industrial Tribunal or other authorities under that Act had jurisdiction do not automatically become vested in the Administrative Tribunals for adjudication and an applicant seeking a relief under the Industrial Disputes Act must ordinarily exhaust the remedies available under the Act. Apparently the applicants are seeking relief under the Industrial Disputes Act, 1947 and in view of the above facts, the present application is not maintainable before this Tribunal.


(O.P. Sharma)

Administrative Member


(Gopal Krishna)
Vice-Chairman