

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 27/3/2002

OA 388/2000

Laxman Prasad s/o Shri Gopal Prajapat r/o Village Ranpur,  
Tehsil Ladpura, Kota.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Human Resources & Education, New Delhi.
2. Commissioner, Kendriya Vidyalaya Sangathan, Bajaj Nagar, Tonk Phatak, Jaipur.
3. Principal, Kendriya Vidyalaya No.1, Kota.

... Respondents

CORAM:

HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

For the Applicant	... Mr.Arvind Soni, proxy counsel for Mr.Mahendra Shah
For Respdt.No.1	... Mr.R.L.Agarwal, proxy counsel for Mr.Bhanwar Bagri
For Respdts.No.2&3	... Mr.V.S.Gurjar

O R D E R

PER HON'BLE MR.A.P.NAGRATH, ADM.MEMBER

The applicant, Laxman Prasad, submits that he was engaged as a daily wage employee w.e.f. 14.4.98 and his services have been terminated by verbal orders w.e.f. 28.7.2000. By filing this OA, he seeks direction for his reinstatement.

2. Heard the learned counsel for the parties.



3. The learned counsel for the respondents raised a preliminary objection while referring to the pleadings of the applicant and stated that the applicant is seeking redressal under the Industrial Disputes Act, 1947, for which this Tribunal is not an appropriate forum. The learned counsel for the applicant, on the other hand, while conceding that the relief is being sought under Section 25(F)(a)&(b) of the Industrial Disputes Act, asserted that the Tribunal had full jurisdiction over matters which may be falling under the purview of the Industrial Disputes Act.

4. The issue, whether Central Administrative Tribunal can exercise jurisdiction over the matters falling under the provisions of Industrial Disputes Act, 1947, is no more res-integra. Full Bench of the Tribunal in the case of Bhim Singh & Ors. v. UOI & Ors., 2000 (3) SLJ (CAT) 277 decided on 29.9.98, while discussing extensively the observations and directions of the Apex Court in the case of Krishan Prasad Gupta v. Controller, Printing and Stationery, (1996) 32 ATC 211, came to the conclusion that;

"This Tribunal has no jurisdiction in respect of matters covered under the Industrial Disputes Act, 1947"

As recently as on 6.2.2002 in the case of Chandrakant Tukaram Nikam & Ors. v. Municipal Corporation of Ahmedabad & Anr., 2002 (1) Supreme 529, Hon'ble the Supreme Court observed as under :-

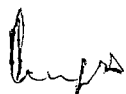


"6. ....I.D.Act was enacted by the Parliament to provide speedy, inexpensive and effective forum for resolution of disputes arising between workmen and the employers, the underlying idea being to ensure that the workman does not get caught in the labyrinth of Civil Courts, which the workman can ill afford. ....

It was held in para-7;

"7. ....We have no manner of hesitation to come to the conclusion that in such cases the provisions of Civil Courts must be held to have been barred and the appropriate forum for resolution of such disputes is the forum constituted under the I.D.Act." (emphasis supplied)

5. Obviously, the position is beyond any doubt now that this forum cannot exercise any jurisdiction over the matters which are covered under the provisions of I.D.Act. I, therefore, dismiss this OA. No costs.

  
(A.P. NAGRATH)

ADM.MEMBER