

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER : 17.5.2004

Original Application No. 61/2003

with

MA No. 71/2003

Srikishan Lal son of Shri Shyam Lal aged 62 years by caste Hindu Nai, resident of Bapu Colony, Rangpur Road, Kota Junction, Retired Mali Driver, Western Railway, Kota Division, Kota.

....Applicant

VERSUS

The Sr. Divisional Electrical Engineer (TRD), Western Central Railway, Kota Division, Kota.

....Respondent

None present for the applicant.

Mr. Ramesh Chandra, Proxy counsel for

Mr. Shailesh Sharma, Counsel for the respondents.

CORAM

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

The applicant has filed this OA thereby praying for the following reliefs:-

- (i) That by an appropriate order or direction, the respondents be directed to fix the pay of the applicant in the higher pay scale of Rs. 6000-9800 with effect from 27.10.1994 and make the payment of the arrears of salaries with regular increments and other consequential benefits pertaining to the said grade.
- (ii) That the applicant be paid all the allowances and pay fixation with effect from 27.10.1994, He be allowed the protection of pay fixation during the aforesaid period also.

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(iii) That the applicant be also allowed the interest @ 24% on the arrears of salaries, allowances and other consequential benefits.

(iv) Any other relief which this Hon'ble Tribunal deems fit may also be granted to the humble applicant, looking to the facts and circumstances of the present case."

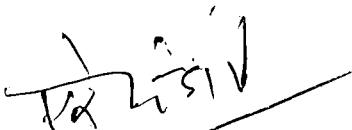
2. The grievance of the applicant is that he was promoted to the post of Sr. Passenger Driver on ad-hoc basis in the pay scale of Rs.6000-9800 w.e.f, 27.10.1994 and he continued in that capacity till 2.12.1998. Since the respondents did not grant him the benefit of regular pay scale w.e.f. 1994, he has filed a Claim Petiton 20/97 before the Labour Court, Kota. The Labour Court vide its order dated 30.10.2002 dismissed the Claim Petition of the applicant on merit. It was also observed that the claim of the applicant is not entertainable u/s 33(C)(2) of the Industrial Disputes Act and he should have invoked the provision of Section 10(1) of the Act. The Labour Court in Para No. 8 had categorically given finding that the promotion of the applicant on merit on the post of Sr. Passenger Driver has not been proved and his performing the duties of the post of Sr. Passenger Driver occasionally does not entitled him for grant of higher pay scale. For that purpose, there should be regular promotion order in accordance with rules.

3. On the face of findings given by the Labour Court, it is not permissible for us to grant the same relief to the applicant in these proceedings. Once the applicant has choosen a particular forum, he cannot subsequently file another petition in another forum for same cause of action. In case the applicant is aggrieved by the findings given by the Labour Court, he should have approached the appropriate forum for ventilating his grievances. Certainly, this Tribunal cannot entertain a petition against the findings given by the Labour Court.

4. Accordingly, the OA is dismissed at admission stage with no order as to costs.

5. In view of the above order passed in the OA, no order is required

to be passed in MA No. 71/2003 and same too is dismissed.


(A.K. BHANDARI)

MEMBER (A)


(M.L. CHAUHAN)

MEMBER (J)

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