

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, INDORE

O.A. No. 340/1997

Monday, this the 17th day of February, 2003

Hon'ble Shri Justice N. N. Singh, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

1. Smt. Kamlabai Potdar
aged 62 years w/o late Shri Vasant Laxmanrao Potdar
r/o near Ashok Talkis,
Nagda, District Ujjain
2. Pramod Potdar s/o late Shri Vasant Potdar
aged 44 years
r/o near Ashok Talkies, Nagda, District Ujjain
3. Smt. Pratibha w/o Manohar Ghodke, aged 40 years
r/o Kothi Road, Damdama colony,
Ujjain
4. Deepak s/o Shri Vasant Potdar, aged 37 years
r/o near Ashok Talkies, Nagda,
District Ujjain

(By Advocate: Shri D.M. Kulkarni)

...Applicants

Versus

1. Union of India through Secretary
Ministry of Labour and Social Welfare
Govt. of India, New Delhi
2. Director, Employees State Insurance
Corporation, Panchdeep Bhawan,
New Delhi
3. Regional Director, Employees State
Insurance Corporation, Panchdeep Bhawan
Nanda Nagar,
Indore

(By Advocates: Shri Vivek Saran)

..Respondents




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ORDER (ORAL)

Shri Govindan S. Tampi:

Heard the parties.

2. This OA filed by late Vasant Potdar against the punishment of compulsory retirement imposed upon him is being pursued by his legal representatives, i.e. wife and children. He had been working with the Employees State Insurance Corporation and had been proceeded against on complaint of receipt of legal gratification. At the end of the proceedings, though the inquiry officer had exonerated the applicant, the Disciplinary Authority had imposed on him the penalty of compulsory retirement. On his filing OA-112/1989, the Tribunal had directed him to exhaust the remedy available to him under the Industrial Disputes Act, 1947. The applicant thereafter filed a case before the said Authority, but the same has been lingering on account of the absence of the Presiding Officer of the Industrial Tribunal. He had, therefore, approached this Tribunal once again for redressal of his grievance in the matter claiming that this could be heard and disposed of by this Tribunal. According to Shri Kulkarni, learned counsel for the applicant, the availability of relief under an alternate forum would not come in the way of this Tribunal's disposing of this matter. On the other hand, Shri Vivek Saran, learned counsel for the respondents points out that once the provisions of Industrial Disputes Act have come in to play, the jurisdiction of the Central Administrative Tribunal is ousted and the same cannot be entertained. Learned counsel for the applicant thereafter submitted



that this Tribunal could dispose of the matter on merits so that he could seek remedy under the appropriate forum, if felt needed.

3. We have carefully considered the matter and we are convinced that the applicant has no case. The applicant in this case is before the Tribunal on the ground that the Presiding Officer of the Industrial Tribunal, who he has approached, under the directions of this Tribunal in 1989, is not functioning for quite sometime. This is not a justifiable reason for disposal of the matter by this Tribunal. This Tribunal's jurisdiction is clearly not available in matters falling under Industrial Disputes Act, 1947 and no order can be passed by this Tribunal on such an issue. The OA is, in the circumstances, dismissed, as being not maintainable because of the Tribunal's not having the jurisdiction to deal with it.

(Govindan S. Tampi)
M (A)

/sun/

(N. N. Singh)
VC (J)

पृष्ठानुक्रम सं. ओ/जग. जवलपुर, दि.
प्रतिपक्षि अर्जो शिवा तः-
(1) राज्य जवलपुर
(2) ज जवलपुर
(3) ज जवलपुर
(4) ज जवलपुर
सूचना एवं प्रसारण विभाग, जवलपुर
के काउंसल
के काउंसल

Shri D.M. Kulkarni, Adv.
Shri Khele Saran Adv.

Govindan S. Tampi
जय संजय 28/7/03

Issued
on 28-7-03
BS