

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.3984/2017
M.A.No.4192/2017

Order Reserved on: 27.11.2017
Order pronounced on 29.11.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)

1. All India General Kamgar Union (Regd.)

U-90, Shakarpur
Delhi – 110 092
Through its General Secretary
Sh. V.K.S.Gautam, Age 49 years

2. Sh. Charan Singh, age 32 years

C/o All India General Kamgar Union (Regd.)
U-90, Shakarpur
Delhi – 110 092. Applicants

(By Advocate: Shri N.A.Sebastian)

Versus

1. The Chairman

Mahanagar Telephone Nigam Ltd.
3rd Floor, 9-CGO Complex
(BSS) Mobile Service
New Delhi – 110 003.

2. The Secretary

Ministry of Telecommunications
Govt. of India, Nirman Bhawan
New Delhi – 110 001. Respondents

O R D E R

By V. Ajay Kumar, Member (J):

Heard Shi N.A.Sebastian, the learned counsel for the applicants.

2. MA No.4192/207, for joining together, is allowed.
3. The 1st Applicant is the All India General Kamgar Union (in short, AIGKU) and the 2nd Applicant is one of its members. They filed the OA seeking the following relief(s):

"(a) Order the Respondents not to replace with the services of the workmen as per Annexure A-2 with another set of workers other than with permanent employees during the pendency of I D No.89/15 pending before the Central Govt Industrial Tribunal Cum Labour Court No.1, Karkardooma, Delhi, or/and

(b) any other relief which this Hon'ble Court deems fit and proper may also be granted to the applicants."

4. Earlier the applicants filed OA No.3644/2017, against the threat of termination of their services. The said OA was dismissed as the same was premature and also as the applicants have already chosen a legal forum for redressal of their grievances and the I.D. is still pending on the file of the Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Karkardooma, Delhi vide I.D.No.89/2015. The applicants, now, filed the instant OA seeking the relief(s), as mentioned above.

5. As per the settled principles of law, it is true that in spite of Section 14 of the Administrative Tribunals Act, 1985, the jurisdiction of the Industrial Tribunal, Labour Courts or other authorities under the Industrial Disputes Act or authority created under any other corresponding law remains unaffected. The workman has option to

choose the forum, i.e., either before this Tribunal under Section 14 of the Administrative Tribunals Act, 1985 or by raising a dispute/claim before any Labour Court or Industrial Tribunal or Authority under appropriate provision of law, with regard to a particular cause. However, once a forum has been chosen, all consequential or connected claims/reliefs of the said cause have to be agitated before the same forum.

6. In the instant case, the applicants, having chosen the Industrial Tribunal with regard to the issue of their regularization/absorption of services, have to agitate the claim of their termination also before the same forum, *a fortiori*, when it is their own case that the termination is due to their filing of I.D. before the Industrial Tribunal. The submission of the applicants' counsel that though the main claim of absorption/regularization is pending before the Industrial Tribunal, since no interim orders can be granted by the Industrial Tribunal, they approached the Central Administrative Tribunal, is unacceptable.

7. In the circumstances and for the aforesaid reasons, the OA is dismissed. No costs.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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