

Reserved
(On 08.03.2019)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the **04th** day of **April** 2019

Original Application No. 330/00232 of 2019

Hon'ble Ms. Ajanta Dayalan, Member – A
Hon'ble Mr. Rakesh Sagar Jain, Member – J

1. Mazdoor Union, 508 Army Base Workshop Allahabad. Through President R.K. Maurya, Union Office : E/D-51, A.D.A. Colony Naini, Allahabad – 211008.
2. C.D. Pal, T. No. 625 Fitter, Under Commandant & M.D. 508 A.B.W., Allahabad.

. . . Applicants

By Adv: In person

V E R S U S

1. Union of India through the Secretary, Government of India, Ministry of Defence, New Delhi.
2. The Commandant and Managing Director, 508 Army Base Workshop, Allahabad.

. . . Respondents

By Adv: Shri L.P. Tiwari

O R D E R

By Hon'ble Ms. Ajanta Dayalan, Member – A

The present OA has been filed by two applicants namely Mazdoor Union and C.D. Pal seeking direction to the respondents' department to constitute Grievance Redressal Machinery at 508 Army Base Workshop, Allahabad. They are also seeking constitution of this Machinery in consultation with the Union and Assistant Labour Commissioner (Central), Allahabad.

2. In the OA, it is stated that applicant No. 2 is the General Secretary of Mazdoor Union of 508 Army Base Workshop, Allahabad registered since 1995 under Trade Union Act 1926. It is also stated that applicant

No. 2 is a Protected Workman as per definition of the Industrial Disputes Act, 1947.

3. The applicants have stated that the respondents' department namely the 508, Army Base Workshop is under Ministry of Defence and follows directions, guidelines etc. formulated by Government of India. The applicants have averred that they approached Assistant Labour Commissioner (Central) for constitution of Grievance Redressal Machinery as provided under Section 9 (c) of Industrial Disputes Act, 1947 vide its order dated 31.10.2017 (Annexure A-4). In response, the Assistant Labour Commissioner vide letter dated 08.11.2017 (Annexure A-5) requested Army Base Workshop to constitute the Grievance Redressal Machinery at the earliest under intimation to the office of the Assistant Labour Commissioner (Central). On this, Army Base Workshop vide letter dated 18.11.2017 (Annexure A-6) informed Assistant Labour Commissioner (Central) that there is no justification to constitute an additional Cell. This was in the light of the fact that all the grievances are put before administration through Works Committee / JCM members in routine meetings and the matters are resolved by the Competent Authority and the outcome of the grievances is put before the forum in the next meeting.

4. The applicants vide their letter dated 05.02.2018 (Annexure A-7) informed the respondents department about comparative functioning of Works Committee, JCM and Grievance Redressal Machinery and requested for constitution of Grievance Redressal Machinery. However, no action has been taken on this letter. Hence, this OA.

5. The case of the applicant is that there is no Grievance Redressal Machinery in 508, Army Base Workshop. The Mechanism of Works

Committee and JCM are quite different as brought out in their letter dated 05.02.2018 (Annexure A-7) and hence, there is an imperative need for constitution of Grievance Redressal Mechanism.

6. Learned counsel for the respondents stated that it is to be seen whether this Tribunal can issue any direction to the respondents' department for constitution of Grievance Redressal Mechanism. He also stated that already the Mechanism of Works Committee and JCM are established and are functioning effectively and, hence, creation of one more Mechanism will not be justified. He also stated that in any case, it is not for the Tribunal to issue such direction.

7. We have heard both the parties and have also gone through the pleadings of the case. We have also given thoughtful consideration to the matter.

8. We note that the applicants are seeking direction to the respondents department from this Tribunal for establishment of Grievance Redressal System in their organization. We also note the applicants have taken up this issue earlier with Assistant Labour Commissioner and it is on his recommendation that establishment of this system was first considered. The respondents department, however, has not agreed with the suggestion on the ground that already well established systems of Works Committee and JCM are functioning. We also observe that the respondents are basing their justification for establishment of Grievance Redressal Machinery under Section 9 (c) of Industrial Dispute Act, 1947. The applicants have not produced any mandatory requirement for establishment of this system under any of the service conditions of the applicants. We, therefore, find that this grievance of the applicants relates to Indian Dispute Act, 1947 and is not maintainable before this Tribunal.

9. We also note that none of the service conditions of government servants in general or of applicants in particular provide for establishment of a grievance redressal system in their organization as a statutory requirement. We are, therefore, of the view that this Tribunal cannot direct the respondents' department to establish such a system. It is for the department to decide on the matter, keeping in view the various factors involved. In doing this exercise, the department obviously has to keep in view, inter alia, costs involved vis-à-vis benefits likely to accrue. However, it is not for the Tribunal to direct the respondents department to establish such a system.

10. We also note that there is a Miscellaneous Application No. 545 of 2019 for joint pursuance in the instant case. We find that one of the applicants is Union while another applicant is an individual, who is the General Secretary of the Union. We find that Miscellaneous Application No. 545 of 2019 is maintainable under sub rule 5(b) of Rule 4 of CAT (Procedure) Rules, 1987. The MA is accordingly allowed.

11. In view of other observations made in paras 8 and 9, the OA is dismissed. No costs.

(Rakesh Sagar Jain)
Member – J

(Ajanta Dayalan)
Member – A

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