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**CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH**

Original Application No.180/00181/2019

Friday, this the 15th day of March, 2019

C O R A M :

**HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE MR.ASHISH KALIA, JUDICIAL MEMBER**

K.Vijayakumar, aged 53 years
S/o.A.Krishnan Nair
Office Superintendent, Material Organisation
Headquarters Southern Naval Command
Naval Base/Kochi-682 004
Residing at :Type IIA-14, "Pampa Vihar"
Naval Civilian Quarters
Palluruthy P.O, Kochi – 682 006 ...Applicant

(By Advocate: Mr.T.C.G Swamy, Ms.Kala T.Gopi and Mr.B.Namadava Prabhu)

v e r s u s

1. Union of India represented by the
Secretary to the Government of India
Ministry of Defence (Navy)
New Delhi -110 011
2. The Flag Officer Commanding -in-Chief
Head Quarters Southern Naval Command
Naval Base, Kochi – 682 004
3. The Material Superintendent
Material Organisation
Head Quarters Southern Naval Command
Naval Base, Kochi – 682 004
4. The Regional Labour Commissioner (Central)
Kendriya Shram Sadan
Olimugal, kakkanad, Kochi – 682 020 ...Respondents

(By Advocate – Mr.V.A.Shaji)

This application having been heard on 15th March 2019, the Tribunal

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on the same delivered the following :

ORDER (ORAL)

Per : MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

The prayers contained in the Original Application are as follows:

“ (i) Call for the records leading to the issue of Annexure A-3, and quash the same.

(ii) Direct the respondents to allow the applicant to continue as a member of the Unit Level Works Committee under the 3rd respondent, till the completion of the term in January, 2020;

(iii) Award costs and incidental to this petition;

(iv) Pass such other orders or directions as deemed just fit and necessary in the facts and circumstances of the case. ”

2. The applicant is an Office Superintendent under respondent nos.1 to 3, having been promoted from the post of Upper Division Clerk. He is an elected member of the Unit Level Committee constituted in terms of Rule 38 of the Industrial Disputes (Central) Rules, 1957. He has been promoted as an Office Superintendent in January 2019 and as per Annexure A-3, notification for by-election now issued, the applicant has ceased to be a member of the Unit Level Works Committee, once he has been promoted as an Office Superintendent .

3. On the question of jurisdiction of this Tribunal, Shri.T.C.G Swamy, learned counsel for the applicant submitted that this is a dispute relating to

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conditions of service and comes under the purview of Section 3(q) of Administrative Tribunals Act, 1985.

4. Shri.V.A.Shaji, ACGSC appearing on behalf of the respondents submitted that the Works Committee is constituted under Clause (3) of the Industrial Disputes Act, 1947 and under Rule 38(2)(a) of the said Act, the powers to adjudicate disputes of this nature lies with appropriate authority bestowed with such powers under the Industrial Disputes Act. Shri.T.C.G Swamy drew our attention to the orders of the Bangalore Bench of this Tribunal wherein a view was taken that the Tribunal has jurisdiction in the matter.

5. On a consideration of the facts before us, we do not agree with the view taken by the Bangalore Bench of this Tribunal. Accordingly, we dismiss the Original Application on the ground of jurisdiction. Applicant is free to approach the appropriate forum for redressal of his grievances. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures

Annexure A-1 - True copy of Civilian Establishment List No.05/2019, dated 11.1.2019 issued from the office of the 3rd respondent

Annexure A-2 - True copy of notification bearing No.MOK/ADM/2791 dated 21.11.2017 issued by the 3rd respondent

Annexure A-3 - True copy of the notification bearing No.MOK/ADM/2791 dated 20.2.2019 issued from the office of the 3rd respondent

Annexure A-4 - True copy of the representation dated 1.3.2019 submitted by Cochin Naval Base Employees Union addressed to the 4th respondent, Regional Labour Commissioner

Annexure A-5 - True copy of the order of the Central Administrative Tribunal, Bangalore Bench in O.A No.170/00241/2017 dated 24.7.2018.
