

Bachi Singh and Another

Vs

Union of India and Others

Spl. Leave Petn. (C) No. 6627 of 1992

(L. M. Sharma, N. Venkatachala JJ)

20.10.1992

JUDGEMENT

SHARMA, J.:-

1. The Association of a particular class of employees of Telecommunication Department along with one of its members are the petitioners. By the impugned judgment the Central Administrative Tribunal has asked them to avail of the remedy under the Industrial Disputes Act. The Tribunal has also held that the Agreement-cum-Understanding dated 10-3-1988 is not an order against which an application under Section 19 of the Administrative Tribunals Act can be maintained.

2. There was a dispute between the Union and the Management which was, according to the case of the petitioners, settled by the agreement dated 10-3-1988 before a Conciliation Officer. The last sentence of the Agreement stated that the dispute was treated as, closed.

3. It appears that in the Agreement it was stated that the Minister had assured his good offices for the implementation of the demands and on this assurance the federation called off the agitational programme. Is it, in these circumstances, possible to hold that this really settled the dispute, so as to make it enforceable by an application under Section 19 ? The answer is in the negative.

4. The learned counsel for the petitioners strenuously contended that in view of the last sentence of the agreement that the dispute is closed, it must be held that the demands were accepted and it was only a question of their implementation. She does not appear to be correct. It is then said that in the situation it will not be possible for the petitioners to pursue any remedy under the Industrial Disputes Act. There does not appear to be any reason to hold so, either. The learned counsel for the respondent-Union of India assured the petitioners that if there be any difficulty in getting a reference of the dispute made under the Industrial Disputes Act, the respondent-Union of India on being approached; shall refer the dispute. This assurance should solve the problem raised. The special leave petition is, therefore, dismissed with the observation that if the petitioners are desirous of getting their claims referred under the Industrial Disputes Act, they may approach the authorities concerned. Petition dismissed.

</html