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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4237/2015 & CM Appl. 7672/2015

BHUSHAN LAL

..... Petitioner

Through: Mr. A. K. De and Ms. Ananya,
Advocates

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Prasanta Varma, Senior Central
Government Counsel with Ms. Nidhi
Mohan Parashar, Mr. Pratyaksh
Sharma and Mr. Tushar Sharma,
Advocates for R-1
Mr. S.M. Arif, Mr. S.M. Atif and Ms.
Shabnam Perween, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **01.08.2019**

1. Arguments partly heard.
2. The petitioner is seeking implementation of the award dated 28th April, 1987 passed by the Industrial Tribunal. Learned counsel for the respondent No.2 submits that respondent No.2 challenged the award before this Court in Writ Petition bearing No. 136/1988 which was transferred by this Court to the Central Administrative Tribunal on 20th March, 1990. It is further submitted that Central Administrative Tribunal vide order dated 20th February, 1997 declined to adjudicate the petition on the ground that it has no jurisdiction to entertain a petition against the award of the Labour Court. The Central Administrative Tribunal dismissed the petition on the issue of maintainability.



3. This Court is of the view that the order dated 20th February, 1997 passed by the Central Administrative Tribunal is absolutely illegal. If Central Administrative Tribunal had no jurisdiction to entertain a challenge to the order of the Labour Court, Central Administrative Tribunal should have gracefully transferred the matter back to this Court.
4. Learned counsel for respondent No.2 submits that the order dated 20th February, 1997 be set aside and the Writ Petition bearing No. 136/1988 be revived and be adjudicated by this Court to which counsel for the petitioner has no objection.
5. In exercise of power under Article 226 of the Constitution of India, the order dated 20th February, 1997 passed by the Central Administrative Tribunal is set aside and Writ Petition No.136/1988 is revived. The Central Administrative Tribunal is directed to send back the record of O.A. 2672/1996.
6. Both the parties are directed to file the relevant pleadings of Writ Petition bearing No. 136/1988 whereupon the Registry shall reconstruct the file of W.P.(C) 136/1988 and list before this Court on the next date of hearing.
7. List for continuation of the arguments on 04th November, 2019.
8. The petitioner shall remain present in Court on the next date of hearing.
9. The competent officer of respondent No.2 shall also remain present in Court on the next date of hearing.
10. Copy of this order be given *dasti* to counsel for the parties under signatures of Court Master.

J.R. MIDHA, J.

AUGUST 01, 2019/ds