

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL

MUMBAI

Present

JUSTICE RAVINDRA NATH KAKKAR
Presiding Officer

APPROVAL APPLICATION NO. NTB-10 OF 2004
(Arising out of Ref.No. 1 of 1990

Parties: Air India Ltd., Mumbai : Applicant
Vs.
Mr. A.P.Padaya : Opp. Party

Appearances:

For the Applicant : Mr.Lancy D'Souza, Adv.

For the Opposite Party : opp. Party present in person.

Mumbai, dated the 12th day of January, 2021.

JUDGMENT

1.. The present Approval Application filed under Section 33(2)(b) of the Industrial Disputes Act, 1947 by Air India . The present Approval Application seeks approval in respect of the punishment awarded to the Opposite Party by the Punishment Order dated April 23/24, 2004. The present Approval Application has been filed in view of pendency of Reference No. NTB-1 of 1990.

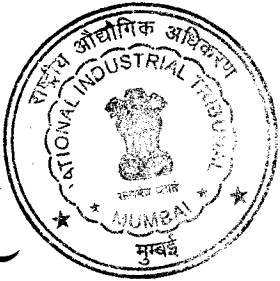
2. It is apparent that Approval Application was filed by Air India Ltd for grant of approval in respect of the punishment awarded to A.P.Padaya. The Said Approval Application No. NTB-10 of 2004 arising out of the Ref. No. NTB-1 of 1990 was dismissed as not maintainable by the order passed in W.P. No. 1015 of 2015 dt.8.6.2015 by the Hon'ble Bombay High Court.



The said order dt.8.6.2015, passed by the Hon'ble Bombay High Court in W.P. No. 1015 of 2015, Air India Ltd filed its Special Leave Petition No. 23525 of 2015 before the Hon'ble Supreme Court. Their Lordship of the Supreme Court dismissed the said Special Leave Petition. By order dated 24.8.2015, further Review Petition was filed before Hon'ble Supreme Court whose petition No. 3437 of 2015 which was dismissed by Hon'ble Supreme Court on 02.12.2015.

3. In compliance of the order passed by the Hon'ble Bombay High Court in W.P. No.1015 of 2015, the order of the Supreme Court in Special Leave Petition No. 23525 of 2015 and the order of the Supreme Court in Review Petition No. 3427 of 2015, the aforesaid Approval Application No. NTB010 of 2004 stands dismissed as not maintainable. Since Hon'ble Bombay High Court has already dismissed Approval Application No.NTB-10 of 2004, this Tribunal has no jurisdiction to consider the present Approval Application NO. NTB-10 of 2004 on merits. Therefore, it is made also clear that Miscellaneous Application filed by either of the parties in this Approval Application is disposed of accordingly.

4. In view of the above, the present Approval Application No.10 of 2004 arising out of Ref.No.NTB-1 of 1990 is dismissed in compliance of the order of the Hon'ble Bombay High Court and Hon'ble Supreme Court.



Secretary to the Court
National Industrial Tribunal
Mumbai.

sd/-
(JUSTICE RAVINDRANATH KAKKAR)

PRESIDING OFFICER