

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL

MUMBAI

Present

JUSTICE RAVINDRA NATH KAKKAR
Presiding Officer

APPROVAL APPLICATION NO. NTB-60 OF 2000
(Arising out of Ref.No. 1 of 1990

Parties: Air India Ltd., Mumbai : Applicant

Vs.

Mr. D.Y.Prabhu : Opp. Party

Appearances:

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

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

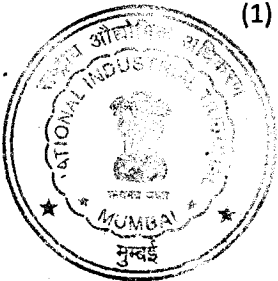
Mumbai, dated the 12th day of January,2021.

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 25.2.2000. The present Approval Application has been filed in view of pendency of Reference No. NTB-1 of 1990.

2. Learned counsel for the applicant Mr.L.D'Souza contended that the present Approval Application should be infructuous/nonest whereas the opposite party D.Y.Prabhu contended that the Approval Application has to be dismissed in compliance with the following order of the Court.

(1) Hon'ble Bombay High Court order dated 8.6.2015 in W.P. No.1015 of 2015.



(2) Hon'ble Supreme Court Order dated 02.12.2015 of SLP (C) N.23525 of 2015.

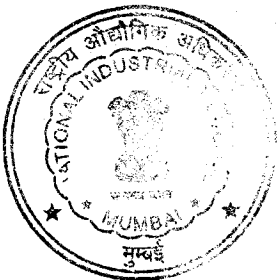
(3) Hon'ble Supreme Court Order dated 02/12/2015 of Review Petition No. 3437 of 2015.

It is noticeable that Hon'ble Bombay High Court in W.PNo. 1015 of 2015 had dismissed the Approval Application No., NTB-10 of 2014 which was arising out of the Ref.NTB-1 of 1990. Aggrieved by the said order of the Hon'ble Bombay High Court the Applicant filed Special Leave Petition before the Hon'ble Supreme Court which was dismissed by the order dt.24.8.2015 and further Review Petition was filed before the Hon'ble Supreme Court which was also dismissed by the Lordship on 02.12.2015 and further this Tribunal on the basis of the above cited judgement of the Hon'ble Supreme Court and Hon'ble Bombay High Court dismissed the NTB-1 of 2015 arising out of the reference No.NTB-1 of 1990, and dismissed it as not maintainable.

3. In view of the judgement delivered by the Hon'ble Bombay High Court, Hon'ble Supreme Court as well as of this Tribunal, since this Approval Application arises out of the Reference of NTB-1 of 1990, is also dismissed as not maintainable.

4. 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. 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.60 of 2000 arising out of Ref.No.NTB-1 of 1990 is dismissed as not maintainable in compliance of the order of the Hon'ble Bombay High Court and Hon'ble Supreme Court.



SECRETARY
National Industrial Tribunal
Mumbai.

(JUSTICE RAVINDRANATH KAKKAR)

PRESIDING OFFICER