

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 647/90
T.A. No.

199

M.P.No. 851/90

DATE OF DECISION 31/7/1990

<u>Sh. N.B. Mulwani</u>	Petitioner
<u>Sh.B.B.Verma</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India and another</u>	Respondent
<u>Sh.K.C.Mittal</u>	Advocate for the Respondent(s)

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The Hon'ble Mr. P.K.KARTHA, VICE CHAIRMAN (J)

The Hon'ble Mr. P.SRINIVASAN, MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

JUDGEMENT

(DELIVERED BY HON'BLE MR.P.SRINIVASAN, MEMBER (A))

This application has been listed before us for admission today. Sh.B.B.Verma, learned counsel for the applicant has been heard. We are of the view that this application does not raise a service matter over which we have jurisdiction.

The applicant, who was working as an Extension Officer in the Directorate of Extension, Ministry of Agriculture, New Delhi complains that he made a representation against certain adverse entries recorded in his confidential report for the year 1983, but respondent No.2, namely, the Director of Extension had, by failing to dispose of the same, caused injury to the

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interests of the applicant. The omission of respondent No.2 to dispose of the representation of the respondent, according to the application "was a negligent act, leading to the supersession of the applicant which is an injury to the applicant for which the applicant ought to be compensated". Because of the failure of the respondent to consider the representation ~~against the persons~~ junior to the applicant, had been promoted in August, 1985 and the applicant has suffered injury. The relief sought in the application is as follows:

"A compensation of Rs.72,914/-, payable by Respondent No.1, being the Respondent superior. The amount has been worked out in the following manner:-

(i) Difference of pay and allowances between the post held by the applicant and the cost of Deputy Director which he will have held in case he had been promoted in August, 1985 when Sh.Baljor Singh, his junior was promoted. The difference is of nearly Rs.150/- per month. The applicant is due to retire on superannuation on 31st.March, 1990. 01 September, 1985 to 31st.March, 1990 is 55 months-
 $55 \text{ months} \times 150 = \text{Rs.}82,500/-$

(ii) Difference between the gratuity for thirty years of service: 15 days pay for every completed year of service-

$75 \times 30 = \text{Rs.}2,250/-$

(iii) Difference between the commuted value of pension, the difference in the amount of pension

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being Rs.75/- per month. Commutation factor as per commutation table is 10.46. So the amount out to = Rs.9,414/-

(iv) Loss of prestige, social status and lowering down of the applicant in estimation of person who know him, loss for missing another promotion in the year 1987

= Rs.50,000=00

(v) Cost of litigation = Rs.3,000=00

Sh.Verma, learned counsel for the applicant, submits that injury caused to the applicant by inaction of his superior is a service matter. Even though the applicant's claim is for damages in torts, the action in torts itself arose out of the employer-employee relationship and so this Tribunal is competent to adjudicate this application.


Sh.K.C.Mittal, learned counsel for the respondents, opposes the stand of Sh.Verma and submits that this Tribunal cannot examine a claim for damages alleging torts against the respondent.

After careful consideration, we are of the view that the subject matter of this application is beyond the jurisdiction of this Tribunal. The applicant alleges that injury has been caused to him by the tortious action of the respondent and seeks damages for such injury from the second respondent. This Tribunal has been constituted not to deal with actions between parties in torts.

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The application is, therefore, rejected at the admission ^{at stage} itself. The applicant will be at liberty to approach the appropriate forum to agitate his grievance ^{at} in accordance with law if so advised. MP 851/90 seeking condonation of delay in filing the application stands disposed of as having become unnecessary.


(P. SRINIVASAN)
MEMBER (A)


(P. K. KARTHA)
VICE CHAIRMAN (J)