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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 03rd day of JANUARY 2008.

Original Application No. 150 of 2007.

Hon'ble Mr. A.K. Gaur, Member J
Hon'ble Mr. Shailendra Pandey, Member A

Madan Homeopathic Doctor, S/o late Sri Mangaru, R/o
Madan Homeo Clinic Nathupur, Pashchimi Gate, DLW,
Varanasi.

. . . . Applicant

By Adv: Sri K. Bind

V E R S U S

1. Union of India, through the General Manager,
D.L.W. Varanasi.
2. Chairman Railway Board, New Delhi.
3. Dy/Joint Director Estt. (Welfare) Railway Board,
New Delhi.
4. General Manager (Karmik), Indian Railway's Diesel
Locomotive Works, Varanasi.
5. Dy Chief Karmik Officer, Indian Railway's Diesel
Locomotive Works, Varanasi.
6. Secretary Staff Benefit Fund Committee, Indian
Railway's Diesel Locomotive Works, Varanasi.
7. Chief Medical Superintendent in Indian Railway's
Diesel Locomotive Works, Varanasi.
8. Joint Secretary Karmchari Parishad In Indian
Railway's Diesel Locomotive Works, Varanasi.
9. Dr. Pawan Kumar Singh, Homeopathic Doctor (newly
appointed) Diesel Locomotive Works, Varanasi.

. . . . Respondents

By Adv: Sri A.K. Sinha

O R D E R

By Hon'ble Mr. A.K. Gaur, Member J

We have heard Sri K. Bind learned counsel for the
applicant and Sri A.K. Sinha learned counsel for the
respondents.

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2. It is seen from the record that in OA No. 640/97 Sanjay Kumar Singh Vs. U.O.I. and others decided by this Tribunal vide judgment and order dated 17.08.2004 a Writ Petition No. 55109/04 has been filed before the Hon'ble High Court. The controversy involved in the said case is identical and similar to the controversy involved in the instant case. It is seen from the record that Hon'ble High Court after great analysis of the case has come to the conclusion that the OA No. 640/97 filed by the applicant was not legally maintainable before the Tribunal in view of the decision rendered by the Hon'ble Supreme Court in AIR 2006 SC 3106, B. Srinivasan Reddy Vs. Karnataka Urban Water Supply and Drainage Board Employees' Association & others.

3. In our considered view the aforesaid OA is squarely covered by the decision rendered by the Hon'ble High Court. Learned counsel for the applicant has vehemently argued that in the present OA a part timer has been replaced by another part timer and the controversy involved in the present case is entirely different from the controversy decided by the Hon'ble High Court that the OA is not legally maintainable.

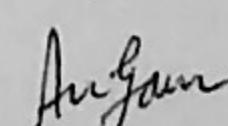
4. Learned counsel for the applicant has placed reliance on the decision of Hon'ble Supreme Court in case of State of Haryana Vs. Pyara Singh 1992 SCC (L&S) 825.

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5. We have given our anxious thought and consideration to the pleas taken by the learned counsel for the respondents and we are fully convinced that once the Hon'ble High Court as arrived at the conclusion that OA filed by the applicant was not legally maintainable in the Tribunal it will not open to us to take another view.

6. We our considered view the OA before the Tribunal is against the Staff Benefit Fund Committee could not have been filed since it is not notified under Sub Section 2 of Section 14 of the AT Act, 1985 and only such society are within the purview of the Tribunal which are notified by the Govt applying Act thereto. It is not the case of the respondents that the Staff Benefit Fund Committee is the society notified under Section 14 (2) of the Act. In our considered view the OA is not legally maintainable within Section 14 (2) of the Act. Without entering into the merit of the case we come to the view that OA is not legally maintainable and deserves to be dismissed on this ground alone and the same is dismissed accordingly. Parties to bear their own cost.


Member (A)
Member (J)

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