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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

ORIGINAL APPLICATION NO.73 OF 1987.

Date of decision : March 31, 1987.

T. Ramdas

...

Applicant.

M/s. B. Sahoo, A K. Mohapatra,
P.K. Mohapatra, Advocates ...

For Applicant.

Versus

Union of India and others ...

Respondents.

Mr. Ashok Mohanty, Advocate ...

For Respondents.

C O R A M :

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN,

A N D

THE HON'BLE MR. K. P. ACHARYA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? Yes.
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.
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J U D G M E N T

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant set forth his grievance before this Bench for interference as a sum of Rs.300/- is being deducted from his salary from the year 1982 without any rhyme or reason. Hence, this matter was heard and we had requested learned counsel appearing for the Railway Administration, Mr.Ashok Mohanty to take instructions from the departmental authorities and inform us the exact position at which the matter stands so that we would expeditiously dispose of the case. We would record our appreciation of Mr.Mohanty's attitude in taking immediate instructions and assisting the Bench.

2. Succinctly stated, the case of the applicant is that he is an employee under the South Eastern Railway working as a Fitter in the Loco shed at Khurda Road Division. The pay drawn by the applicant is Rs.860/- and suddenly from the year 1982 without any rhyme or reason a sum of Rs.300/- is being deducted by the concerned authorities from the salary of the applicant for which he feels aggrieved. Hence, it is prayed by the applicant to quash the order of the competent authority in deducting the said amount of Rs.300/-.

3. On instructions learned counsel for the Railway Administration, Mr.Ashok Mohanty submitted before us that Rs.300/- is being deducted from the salary of the applicant because the District Munsif, Palasa has issued a writ to the appropriate authority at Khurda Road to make deduction of Rs.300/- from the salary of the applicant payable to the wife

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of the applicant as she is a maintenance holder. It was further submitted by Mr. Mohanty that such deduction is taking effect on the authority of a Court of competent jurisdiction and the departmental authorities have no option but to deduct the amount otherwise they would be liable for contempt.

To repudiate this argument, it was submitted by learned counsel for the applicant that the writ has been issued to the competent authority for deduction of the said amount of Rs.300/- from the salary of one T.Ramdas son of Narayan. Admittedly, the name of the applicant is T.Ramdas but he claims to be the son of Nandesu. Hence it was contended by learned counsel for the applicant that the executing court at Palasa did not intend to have the salary of the present applicant attached to the extent of Rs.300/-. It was further contended by the learned counsel for the applicant that the grievance of the applicant having come within his service conditions, this Bench should give necessary relief to the applicant as prayed for. We are unable to accept the aforesaid contention of learned counsel for the applicant because we are not sitting over the judgment and decree passed by a competent court of civil jurisdiction entitling the wife of T.Ramdas to have the maintenance amount from the said T.Ramdas. As to whether there is a wrong identity of the person concerned, it is for the Executing Court to pass necessary orders as deemed fit under the law. We do not feel inclined to interfere with this matter because we are not sitting over the judgment either of the trial court or the executing court at Palasa. Therefore, if so advised, the applicant should

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approach the appropriate forum.

Last but not the least the Bench is required to address itself as to whether Section 14 of the Administrative Tribunals Act, 1985 (hereinafter called as 'Act') provides and authorises this Bench to adjudicate disputes of this nature. For sake of convenience, section 14 of the Act needs to be quoted :

- " Save as otherwise expressly provided in this Act , the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court) in relation to -
- (a) recruitment, and matters concerning recruitment, to any All- India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian ;
 - (b) all service matters concerning -
 - (i) a member of any All-India Service; or
 - (ii) a person (not being a member of an All-India Service or a person referred to in Clause (c)) appointed to any civil service of the Union or any civil post under the Union; or
- etc.

by

4. From the above provision, it is necessary to determine what is actual^{ly} meant by "service matters". "Service matters" has been defined in Section 3 (q) of the Act which runs thus :

" ' Service matters ' , in relation to a person, means all matters relating to to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or, as the case may be, of any corporation (or society) owned or controlled by the Government, as respects -

- (i) remuneration (including allowances), pension and other retirement benefits ;
- (ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation ;
- (iii) leave of any kind ;
- (iv) disciplinary matters; or
- (v) any other matter whatsoever .

From the above, it is clear that service matters in relation to a person means all matters relating to the conditions of his service in connection with the affairs of the Union. In other words, service matters of a particular employee pertaining to his remuneration

pension, retirement benefits, confirmation, superannuation, leave of any kind forming his conditions of service, in relation to which dispute arises between himself and his employer could be adjudicated by the Central Administrative Tribunal. By Circular 5 'any other matter whatsoever' eventually means that ~~these~~ ^{these} 'any other matters' should be confined to matters relating to the conditions of service which have not been specifically enumerated in sub- clause (i) to (iv). The Hon'ble Supreme Court has held the expression 'conditions of service' meaning all those conditions which regulate the holding of a post by a person right from the time of his appointment till his retirement and beyond it, any matters like pension etc., vide A.I.R. 1956 SC 285 (Pradipta Kumar v. Chief Justice of Calcutta) and 1977 I.S.C. 554 (I.N.Suba Reddy v. Andhra University). The provisions of 'any other matter whatsoever' mentioned against sub- clause (5) cannot include ^{and embrace} the purview of service matters contained within sub- clause (i) to (iv) of section 3 (q) because the rule of 'ejusdem generis' will not apply to such a comprehensive residuary clause. It cannot be disputed that the Tribunal cannot exercise jurisdiction over any matter beyond the purview of Section 14 (a) and (b) read with the definition of 'service matters' defined under section 3 (q) of the Act. In our opinion, the grievance of the petitioner does not come within the purview of the provisions quoted above and therefore, we are of opinion that the application is also not maintainable before us or in other words we have no powers under the Act to adjudicate the aforesaid grievance of the petitioner in this case.

5. Before ^{we} part with this case, we must say that it was submitted by learned counsel for the applicant that he had filed a representation before his competent authority stating that the amount is being wrongly attached from his pay as he is not the judgment-debtor in the said case and the competent authority in their turn, made a reference to the Executing Court from which no reply has been received. If this is the true state of affairs, then the competent authority could make further correspondence with the Executing Court in this regard and do the needful according to the directions of the executing court. In the alternative, the Executing Court could also be approached by the applicant for necessary rectification, if the case of the applicant is true. For that no leave is required to be given by this Bench to the applicant because it is otherwise within his right to approach the executing court and get a decree corrected according to law.

6. Hence, this application is accordingly disposed of leaving the parties to bear their own costs.



B.R. PATEL, VICE CHAIRMAN,

g agree.

Sarangi
..... 31.3.87
Member (Judicial)

B.R. Patel
..... 31.3.87
Vice Chairman

Central Administrative Tribunal
Cuttack Bench, Cuttack.
March 31, 1987/ S.Sarangi.