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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 307 of 1990

Date of decision 28.4.1992

Baikuntha Nath Jena Applicant

Versus

Union of India & Others Respondents

For the applicant M/s. Devanand Mishra
Deepak Mishra
A. Deo, R.N. Naik,
B.S. Tripathy
P. Panda, Advocates

For the respondents Mr. R.C. Rath,
Standing Counsel
(Rly. Administration)

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C O R A M

HON'BLE MR. K.P. ACHARYA, VICE-CHAIRMAN

AND

HON'BLE MR. C.S. PANDEY, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? *NO*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section,19 of the Administrative Tribunals Act,1985, the petitioner prays for a direction to be issued to the opposite parties to finalise the dues of the petitioner in view of the judgment of the Munsif Bhadrak passed in O.S. 155 75I and to pay to the applicant the consequential ^{financial} benefits and for a direction to be issued to the opposite parties to fix ~~his~~ seniority accordingly and to step up his pay.

2. Shortly stated the case of the petitioner is that while he was working as Driver Grade-C, the petitioner was reverted to the post of a Shunter Grade-B. Being aggrieved by this order of reversion the petitioner/ filed a suit in the Court of learned Munsif, Bhadrak praying for a decree in his favour declaring the reversion as illegal, void and arbitrary and further more to give a declaration that the ^{plaintiff} ~~plaintiff~~ i.e. the present petitioner was senior to the defendant no. 7 to 9 and also to give a declaration that the petitioner was entitled to be backed to learn the course to work as Shunter Gr.B, after his reversion from the post of Driver Gr.C. The learned Munsif partly decreed the suit and thereafter the petitioner has come up with this application with the aforesaid prayer.

3. In their counter the opposite parties maintain that the judgment passed by the learned Munsif having been made final, there is no further grievance on the part of the petitioner to be agitated before this Bench and therefore the case being devoid of merit is liable to be dismissed.

4. We have Mr. ^{Debapriya Mitra} ~~R.D. Mitra~~, learned counsel for the petitioner
Debapriya Mitra
l.b.

and Mr.R.C.Rath, learned Standing Counsel for the Railway Administration at a considerable length.

5. ^{Mr. Naik} Mr. Naik submitted that though in paragraph-3 of the counter it is stated that the petitioner has been given the relief claimed against Sl.No.a with effect from 12.1.1989, yet the application having been filed in August, 1990, some grievance of the petitioner still subsists and therefore leave should be granted to the petitioner to file a representation before the competent authority which should be considered and the competent authority should give a reasoned order.

6. On the other hand it was submitted by Mr.R.C.Rath, learned Standing Counsel for the Railway Administration that ^{several} the ~~prayer~~ prayers of the petitioner having been adjudicated finally by the learned Munsif, Bhadrak and a part decree having been passed in his favour which has been implemented by the concerned authority as ~~part of~~ ^{apparent from} the averments in paragraph-3 of the counter, no further grievance remains to be adjudicated and therefore this Bench should not pass any order in the nature proposed by the learned counsel for the petitioner.

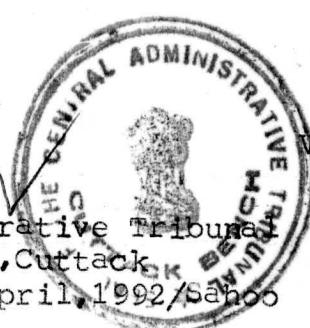
7. We have carefully gone through the judgment passed by the learned Munsif ^{who has} ~~W~~ categorically stated in his judgment that reversion of the petitioner is not illegal. He has also categorically come to a finding that the plaintiff cannot be held to be senior to the defendant nos. 7 to 9 and thus ~~these~~ ^{answered} issues are ~~the nature~~ ^{the} against the plaintiff who is ^{the} present petitioner. As regards the financial emoluments the learned

Munsif, at paragraph 24 of the judgment came to the conclusion that the petitioner is not entitled to any salary ~~and his~~ ^{any relief for} transfer to Talcher ^{as} ~~cause~~ no such relief has been claimed in the suit. In the present petition there is also ~~no~~ such ^{made} claimed by the petitioner. Law is well settled that the decree passed by a Civil Court has to be respected even by ~~a~~ ^{any} Criminal Court. In view of the aforesaid unchallenged findings of the learned Munsif, it appears to us that we cannot pass a decree in favour of the petitioner regarding his seniority or reversion. The judgment has a binding effect on the inter parties, therefore on these issues we would not interfere.

8. As regards the relief claimed in this petition to direct the opposite parties to make arrangement for the petitioner to learn the course to work as a Shunter in paragraph-3 of the counter it has been stated that as per the judgment of the learned Munsif the plaintiff (the petitioner in this case) was given the learning of course to work as Shunter on ^a ~~the~~ particular date. Therefore in our opinion the judgment passed by the learned Munsif has been implemented and there remains nothing ^{MS} for ~~him~~ to give any further direction. Thus the application is accordingly disposed of. No costs.

Chandrap
MEMBER (ADMINISTRATIVE)

28th April 1992
Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 28th April, 1992/Sahoo



Chandrap
28/4/92
VICE-CHAIRMAN