

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 305 OF 1994

Cuttack, this the 13th day of April, 1999.

Sub Permanent way Inspector
and anothers.

...

Applicants.

Versus.

Smt. Anila Bathi Tandia and another. ...

Respondents.

(FOR INSTRUCTIONS)

1. whether it be referred to the reporters or not? *Yes*
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *NO*

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
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CUTTACK BENCH: CUTTACK.

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Cuttack, this the 13th day of April, 1999.

C. O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

....

1. Sub. Permanent Way Inspector,
South Eastern Railway,
Ambodala, Dist. Koraput.
2. Permanent Way Inspector,
South Eastern Railway,
Rayagada.
3. Divisional Personnel Officer,
South Eastern Railway,
Visakhapatnam.

... Applicants.

By legal Practitioner : Mr. D. N. Mishra, Standing Counsel.

-Versus-

1. Smt. Anila Bathi Tandia,
W/o. Late Bharat Tandia,
C/o. Dabali Sika,
Vill. Bada Manjarkupa,
Post. Dahi Khal,
Dist. Koraput.
2. Commissioner of Workmen's Compensation
and Asst. Labour Commissioner Jeypore,
Dist. Koraput.

... Responents.

By legal Practitioner : M/s. J. K. Tripathy, S. N Mishra,
P. K. Chand, B. P. Tripathy,
D. Satpathy, (For Res. No. 1).
Advocates.

.....

J Som

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:-


In this Original Application u/s.19 of the Administrative Tribunals Act, 1985 Railways more particularly Permanent Way Inspector, Ambodala, Permanent Way Inspector, Raygada and Divisional Personnel Officer, Visakhapatnam have come up with a prayer for quashing the order dated 4.2.1994 at Annexure-4 passed by the learned Commissioner for Workmen's Compensation and Asst. Labour Commissioner, Jeypore, Dist. Koraput in Workmen's Compensation Case No. 62/89 filed by Opp. Party No.1. In that case, OP No.1 made claim for compensation under the Workmen's Compensation Act against the present Petitioner No.1 and the same was allowed. Challenging the above order of the OP No.2, the petitioners have come up with the prayer referred to above. It is well settled that this Tribunal has no jurisdiction to hear ~~appeal~~ against the order of learned Commissioner for Workmen's Compensation. Earlier also a Division Bench of this Tribunal had taken the same view in OA No. 452/91, on 4-2-97. Learned Counsel for the petitioners submit that earlier on the basis of a decision of the Principal Bench this case was filed. But subsequently, the Hon'ble Supreme Court laid down that these cases are not maintainable before the Tribunal. In view of this, learned counsel for the petitioners does not want to pursue this Original Application. We have heard Mr. D. N. Mishra, ^{standing} learned/counsel appearing for the petitioners and Mr. P. K. Chand, learned counsel appearing for the OP No.1. In view of the above submission made by the learned counsel

J. Som

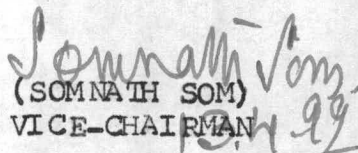
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for the petitioners, the OA is disposed of as not being maintainable. No costs.


(G. NARASIMHAM)
MEMBER(JUDICIAL)

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(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.