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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 801 OF 1994.
Cuttack, this the 9th day of February, 2001.

P.V.RAMAN.

....

APPLICANT.

VRS.

UNION OF INDIA & ORS.

....

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)
VICE-CHAIRMAN

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CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.801 OF 1994.
Cuttack, this the 9th day of February, 2001.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

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

..

P.V.Raman Aged about 57 years,
Son of late P.V.S.Marathi,
At-Waltair, Po/Dist: Visakhapatnam,
Andhra Pradesh at present Office of
the Deputy Chief Yard Master, C/o M.Sudhakar
Mangaraj Colony, Meria Bazar, Cuttack-1.

.... Applicant.

By legal practitioner: M/s P.K.Mallick, D.P.Kar, Advocates.

-Versus-

1. Union of India represented through its
Secretary to Government of India in the
Department of Railway New Delhi.
2. Chief Personnel Officer(P&T),
South Eastern Railway, Garden Reach,
Calcutta-43.
3. Divisional Railway Manager(P),
S.E.Railway, Waltair.

... Respondents.

By legal practitioner: Mr.B.K.Bal, ASC.

S. J. S. M.

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O R D E R

Mr. Somnath Som, Vice-Chairman:

In this Original Application the applicant has prayed for a direction to the Respondents to allow him the higher scale of pay of Rs. 2375-3500/- on the grounds urged by him in the Original Application.

2. Respondents have filed counter opposing the prayer of the applicant. No rejoinder has been filed.

3. Applicant's case is that he joined the railways in 1961 and was promoted to the rank of Assistant Yardmaster in 1971 to the post of Yardmaster in August, 1983 and to the post of Deputy Chief yardmaster in August, 1989. Applicant has stated that in order dated 1.11.1994 at Annexure-1 his promotion to the post of Deputy Chief Yard master in the scale of pay of Rs.2000-3200/- pre-revised Rs.700-900/- was given effect to from 1.1.1984. He has stated that actually his promotion to the post of Dy. Chief Yardmaster should have been given effect ~~to~~ from 1.1.1983 but as he has not made any prayer in respect of this it is not necessary to consider this aspect. Applicant has stated that he has filed representation on 2.12.1994 at Annexure-3 stating that as his promotion to the post of Deputy Chief Yardmaster has been given effect to from 1.1.1984 he should be given further promotion along with service benefits given to all those who were junior to him but had been promoted further. But as his representation has not yielded any result, he has approached the Tribunal in the O.A.

S. Som

4. Respondents have filed counter opposing the prayer of the applicant. It is not necessary to refer to the averments made by the Respondents in their counter because these

will be referred to while considering the submission made by Shri Bal, learned ASC appearing for the Respondents.

5. First point taken by the Respondents is that the present petition is not maintainable before us on the ground that the cause of action has arisen outside the jurisdiction of this Tribunal and the applicant while filing this O.A. was also residing outside the jurisdiction of this Bench. From the cause title of the petition we find that the applicant has described himself as Deputy Chief Yardmaster but has put his address as C/o. one M. Sudhakar, Mangaraj Colony, Cuttack. This OA has been filed on 21.12.1994. From the representation of the applicant at Annexure-2 we find that this representation has been filed by the applicant on 2nd December, 1994 and in this representation he has described himself as Deputy Chief Yardmaster Waltair. Applicant has made no averment that between 2.12.1994 the date of his representation and 21.12.94 the date of filing this petition he has been transferred to a place within the jurisdiction of the Tribunal. From this it appears that the applicant filed the petition while he was serving in the railway and was a place outside the jurisdiction of this Tribunal. It also appears that cause of action of this case has referred to in the averments made by the applicant in his petition has arisen outside the jurisdiction of this Bench either at Garden Reach or at Waltair. Therefore, we hold that the O.A. is not maintainable before us. Moreover, the applicant has asked for all further promotional benefits at par with his juniors. He has not made who are the juniors and from which date promotional benefits have been allowed to them. On merits also therefore, this OA is liable

tobe rejected.

6. We have seen the decision of Hyderabad Bench of the Tribunal in OA No.1545/95 disposed of on 19.6.98. Subject matter of that OA is different from the present grievance of the applicant before us. As the present petition is not maintainable before us it is not necessary to go further into the averments made by the Respondents with regard to the merits of the case of the applicant.

7. In the result, therefore, the OA is rejected. No costs.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

(SOMNATH SOW)
VICE-CHAIRMAN

KNM/QM.