

7

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH
CUTTACK

O.A.522/2001

Date of order: 12.04.2004.

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
Hon'ble Mr. S.K. Naik, Administrative Member.

B.Narayan Rao

- v e r s u s - /

Union of India and Ors.
(S.E. Railway)

For the applicant : M/s R. Behra, counsel.
For the respondents : M/s D.N. Mishra, counsel.

O R D E R

Per Justice B. Panigrahi, VC

Heard Mr. Behera, Id. counsel appearing for the applicant as well as Mr. Mishra, Id. counsel appearing for the respondents and on perusal of the documents enclosed to the application, it appears that the applicant was initially appointed as a Primary School Teacher by South Eastern Railway, Welfare Women's Organisation (SERWWO).

2. Mr. Misra, Id. counsel for the respondents has strongly contended that any matter concerning SERWWO cannot be adjudicated by this Tribunal and the only remedy available to the applicant is to file a writ petition before the Hon'ble High Court.

3. Mr. Behera, Id. counsel for the applicant has refuted such submission and contended that the applicant for all intent and purpose has been treated all along as an employee under the South Eastern Railway. It may be true that his initial appointment might have been made by SERWWO, but the applicant was all along being treated as an

employee of South Eastern Railway. On careful perusal of the documents, we find that there has been no appointment made or issued by the S.E. Railway Authorities in favour of the applicant. In that view of the matter, we are of the *prima facie* view that the applicant was engaged by SERWWD and hence this Tribunal has no jurisdiction to adjudicate his grievance. Accordingly, the application is misconceived and is not maintainable. However, the petitioner, if so advised, can seek redress before the appropriate forum.

4. With the above observation this application is disposed of being not maintainable.

Member (A)

Member (A)

Bennigrew
Vice-Chairman.