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Smt. S.Sahoo Vrs. UOI

Admission Sl. No. 2

O.A. No. 260/00235 of 2014

Order dated: 01.05.2014

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HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)

HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

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This O.A. was filed on 17.02.2014, which came up before the Bench on 16.04.2014 for admission. Since none appeared for the applicant on the first call, the case was passed over. Even after the second call none appeared for the applicant, accordingly, the matter was directed to be listed this week. Today also, none is present for the applicant even after two pass overs.

2. Applicants, Smt. Sradhajali Sahoo stated to be the wife and Ms. Smrutirekha Sahoo stated to be the minor daughter of Sri Surendranath Sahoo (Respondent No.4), have filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to Respondent Nos. 2 and 3 to dispose of the representations vide Annexure-4 and 5 within a stipulated period fixed by this Tribunal with further prayer to direct Respondents to start a disciplinary proceeding against the Respondent No.4, i.e. Surendranath Sahoo, and punish him her per law. Further, they have prayed for a direction to Respondent No.4 to maintain the applicants properly.



3. We have heard Mr. T. Rath, Ld. Standing Counsel for the Railways, who is present in the Court and has already received a copy of this O.A., and have gone through the records.

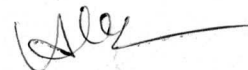
4. At the outset, Mr. T.Rath, Ld. Standing Counsel appearing for Respondent-Railways, vehemently opposed the very maintainability of this O.A. on the ground that the case is not coming within the definition of the provision made under AT Act, 1985 and that this Tribunal lacks jurisdiction to entertain this O.A.

5. We are in agreement with the submission made by Mr. Rath. The provision made in Section 19 of the AT Act, 1985 provides as under:

19. Application to Tribunals –(1) Subject to the other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievances.

EXPLANATION- For the purposes of this sub-section, “order” means an order made –

- (a) by the Government or a local or other authority within the territory of India or under the control of the Government of India or by any Corporation [or Society] owned or controlled by the Government; or
- (b) by an officer, committee or other body or agency of the Government or a local or other authority or Corporation [or Society] referred to in Clause (a).



6. In this O.A., the prayer of the applicants is for a direction to the Respondent No.4, i.e. Surendranath Sahoo, to maintain them properly, which neither comes under the provision of the AT Act as stated above nor the rules framed thereunder. Therefore, on this score, this O.A. is liable to be dismissed. Secondly, the prayer of the applicant *is E* *issue of E* for direction to Respondent Nos. 2 and 3 for disposal of the representation. In our considered view, this Tribunal is not an appellate authority to entertain such a prayer.

7. In view of the above, we find no merit to entertain this O.A. Accordingly, this O.A. is dismissed. No costs.

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MEMBER(Admn.)

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MEMBER(Judl.)

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