

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.75/97

Monday this, the 10th day of March,1997.

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE SHRI K.RAMAMOORTHY, ADMINISTRATIVE MEMBER

M.K.Syamala,  
Gangwomen,Southern Railway,  
Mottiyattuparambu,  
Kureekadu P.O.  
Thiruvankulam,  
Ernakulam District.

.. Applicant

(By Advocate Mr.Ajith Prakash C.S.)

vs.

1. The District Collector,  
Thiruvananthapuram District,  
Thiruvananthapuram.
  2. The Assistant Labour Commissioner(Central)/Kochi.  
Controlling Authority under the  
Payment of Gratuity Act(Central),  
Kalathiparambil Road,  
Kochi-16..
  3. The Divisional Personnel Officer,  
Southern Railway,  
Trivandrum Division,  
Trivandrum.
- ..Respondents

(By Advocate Mr.C.A.Joy, Govt.Pleader for R1)  
Mrs.Sumathi Dandapani(R-3)

ORDER

HON'BLE SHRI K.RAMAMOORTHY,ADMINISTRATIVE MEMBER:

The applicant is a retired Railway servant -on her application under Section 7 (4) of the Payment of Gratuity Act, the second respondent ,Controlling Authority under the Payment of Gratuity Act , passed an order on 3.8.1994 directing the third respondent to pay to the applicant towards gratuity Rs.5,698.85 . As the payment as directed was not made, the applicant moved the second respondent under Section 19 of the Payment of Gratuity Act praying for issue of a certificate under Section 8 of that Act. The second respondent certified that a sum of Rs.5,698.85 was due to the applicant from the third respondent with compound interest at 15% per annum. A copy of the certificate was forwarded to the first respondent , the District Collector,Thiruvananthapuram

for recovery of the amount from the third respondent as arrears of land revenue. It is alleging that the first respondent has not recovered the amount and that the second respondent has not taken steps for prosecuting the third respondent, that this application has been filed under Section 19 of the Administrative Tribunals Act for a direction to the first respondent to recover the amount and to pay the same to the applicant and direct the second respondent to prosecute the third respondent for default.

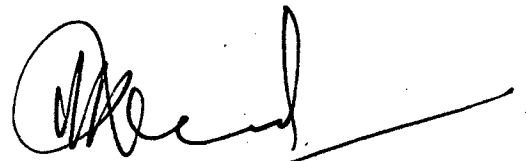
2. The third respondent contends that the amount has been deposited with the second respondent and an appeal against the order has been filed before the Appellate Authority against the orders of the second respondent and prayed that the application may be dismissed.

3. Having heard the learned counsel on either side, we find that this Tribunal has no jurisdiction in the matter. The alleged inaction on the part of the first respondent-District Collector to recover the amount as arrears of land revenue or the failure of the second respondent to initiate prosecution against the third respondent are not service matters enabling this Tribunal to exercise jurisdiction. Hence the application not being maintainable before this Tribunal, for want of jurisdiction, is returned for presentation before the appropriate forum. Registry may keep a copy of the application for the purpose of record. No costs.

Dated the 10th March, 1997.



K. RAMAMOORTHY  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN