

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 329 of 1992
T.A. No.

DATE OF DECISION 8-6-1992

Mr VKS Menon Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

Collector of Customs, Kochi Respondent (s)
& 2 others

Mr KA Cherian, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *✓*
3. Whether their Lordships wish to see the fair copy of the Judgement? *✓*
4. To be circulated to all Benches of the Tribunal? *✓*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

Mr VKS Menon, a retired Preventive Officer of Central Excise has filed this application praying that it may be declared that he is eligible for a reward at the rate of Rs.15/- per thola or at 10% of the value of seized goods for the seizure of 40,000 thola of gold and 4998 wrist watches and for a direction to revise the reward due to him or to dispose of the representation made by him in the light of the observations made in the case of informer by the High Court of Kerala in the judgement reported in 1989(1) KLT, 935. The facts of the case are as follows.

The applicant as an official of the Cochin Customs House, was instrumental for seizure of 40,000 thola of gold and 4998 wrist

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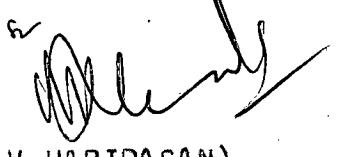
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watches on 10.1.1969 and he was given a reward of 3 months salary on 16.3.1975 in accordance with the extant rules and instructions on the subject. The informant on who's information the seizure was effected was also given a similar reward. Dis-satisfied with the quantum of reward given to him, the informer approached the Hon'ble High Court of Kerala with an original petition for a direction to give him an enhanced reward. The High Court after a series of protracted litigation finally concluded that the Department should reconsider the quantum of reward to the informer in the light of the observations made in the judgement. In obedience to the above direction of the Hon'ble High Court, it appears that the Department reconsidered the quantum of reward and paid a larger amount to the informer. Coming to know of this, the applicant made a representation on 6.6.1991 to the second respondent to give him the same reward as was given to the informer. This representation has not been disposed of so far. It is in these circumstances that the applicant has filed this application. It appears that even before the Hon'ble High Court has disposed of the O.P. filed by the informer, the applicant had made a representation to the Government for enhanced reward which was also not disposed of..

2. The seizure in this case had taken place in the year 1969, the reward was given to the applicant in the year 1975 and the applicant retired from service about a decade ago. Though the applicant had allegedly been making representations, he did not approach any legal forum for redressal of his grievance which

arose in the year 1975 because it was in the year 1975 when he was paid the nominal reward, while according to him, he was entitled to much more than that. The grievance having been arisen more than 3 years prior to the commencement of the Administrative Tribunals Act, we are of the view that the Tribunal has no jurisdiction to go into that. The learned counsel for the applicant brought to our notice the fact that in view of the directions contained in the judgement of the High Court of Kerala enhanced reward was paid to the informer only in the year 1990 and submitted that a cause of action arose thereafter to the applicant to claim similar reward. According to the learned counsel, only after seeing the judgement of the High Court of Kerala and coming to know of the enhanced reward paid to the informer, the applicant understood that he had a valid claim for an enhanced reward and that in view of the matter, the cause of action has arisen only then. We are not prepared to accept this argument. The Hon'ble High Court in the O.P. was considering the question as to what should be the quantum of reward to be paid to him and an informant. It did not have any occasion to consider as to what should be the reward payable to an employee of the Department. Therefore, the judgement in question does not have a direct bearing on the grievance of the applicant. The learned counsel argued that the quantum of reward payable to the informant as also the officials of the Department remain the same and therefore once it is determined by the Court that the quantum of reward paid was not sufficient, it should apply

in the case of the departmental official also. We are not in a position to agree with this proposition. On a careful consideration of the relevant facts brought down in the pleadings, we are of the view that the grievance of the applicant, if at all, has arisen in the year 1975 and that it is a case where this Tribunal cannot intervene on account of lack of jurisdiction. For the reasons aforesaid, we reject the application under Section 19(3) of the A.T. Act.


(AV HARIDASAN)

JUDICIAL MEMBER


(SP MUKERJI)

VICE CHAIRMAN

8-6-1992

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