

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated :

21 APR 1989

APPLICATION NO (S) 389 / 89 (S)

W.P. NO (S)

Applicant (s)

Shri Joseph Abraham
To

Respondent (s)

V/s The Secretary, Railway Employees
Co-operative Society Ltd., Southern
Railway, Madras & enr

1. Shri Joseph Abraham
Quarters No. 958/8, Gadag Road
Vidyaranyanagar
Hubli - 580 020
2. Shri G.A. Nadgir
Advocate
No. 1 (2), 12th Cross
Swimming Pool Extension
Malleswaram
Bangalore - 560 003

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY/INTERIM ORDER~~
passed by this Tribunal in the above said application(S) on 17-4-89.

Issued
K.N. *[Signature]*
21-4-89

[Signature]
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE SEVENTEENTH DAY OF APRIL 1989.

Present: Hon'ble Shri Justice K.S.PUTTASWAMY .. VICE CHAIRMAN

Hon'ble Shri L.H.A.REGO .. MEMBER(A)

APPLICATION NO.389/89(F)

Joseph Abraham,
Signal Inspector (Gr.II Retd)
South Central Railway, Hubli.
r/o Qrs No.958/8 Gadag Road,
Vidyanagar, Hubli 580020

.. Applicant.

(Shri G.A.Nadgir .. Advocate)

vs.

1. Railway Employees Co-operative
Society Ltd. by it Secretary,
Park Town, Southern Railway,
Madras 600 003.

2. The Divisional Personnel Officer,
South Central Railway,
Hubli.

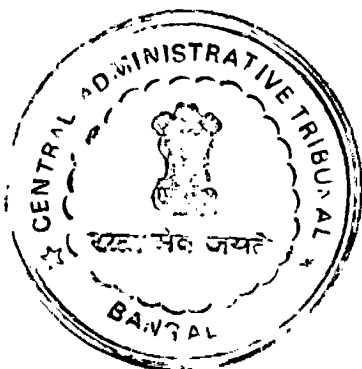
.. Respondents.

This application has come up today before this
Tribunal for Orders. Hon'ble Vice Chairman made the following:

ORDER

In this application made under Section 19 of the
Administrative Tribunals Act of 1985(Act), the applicant has
sought for a direction to Respondent No.1 to make payment of
the various amounts detailed in para 7 of his application.

2. On an examination of the application, the Registrar
had stated that this application does not fall within the
meaning of the term "service matters" occurring in Section 3 (r)



of the Act and therefore, this Tribunal has no jurisdiction to entertain the application. But Shri G.A.Nadgir learned counsel for the applicant strenuously contends that the objections raised by the Registrar was erroneous and this Tribunal has jurisdiction to adjudicate the matter on which conclusion, we should admit this application and decide the application on merits.

3. At Madras there is a Co-operative Society called Railway Employees Co-operative Society (Society) evidently registered and functioning either under the State Co-operative law or the Central Co-operative law. The applicant who is a Member of that Society claims certain amounts as due to him and those amounts which had not been paid to him in spite of numerous demands should be recovered through the agency of this Tribunal.

4. The Divisional Personal Officer, South Central Railway, Hubli is impleaded as Respondent No.2. But no relief is sought against him. From this it follows that the presence of Respondent no.2 does not really alter the situation.

5. Whatever be the merits of the case on which we express no opinion it is clear that the applicant is claiming relief against the Society and not against the Union of India or any of its functionaries. A society registered under the State Co-operative law or the Central Co-operative law, is a distinct legal entity and does not by any stretch of imagination become a part of the Union of India. From this it follows that the objections raised by the Registrar are correct. On the other hand this application

filed before this Tribunal on a total misunderstanding of law is liable to be rejected for want of jurisdiction.

6. On the view we have taken we have not examined the merits of the case.

7. In the light of our above discussion we hold that this application is not maintainable under the Act and liable to be rejected. We, therefore, reject this application as not maintainable.



bk.

sdl-
VICE CHAIRMAN 17/7/

sdl-
MEMBER (A) 17.7.77

TRUE COPY

R. Venkatesh
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE