

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 1229/94

Transfer Application No:

DATE OF DECISION: 16.12.1994

M. Subramanian

Petitioner

Mr. B.J. Kawade

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M.S. Deshpande, Vice Chairman

The Hon'ble Shri

1. To be referred to the Reporter or not? *W*
2. Whether it needs to be circulated to other Benches of the Tribunal? *W*

V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A. NO. 1229/94

M. Subramanian

..Applicant

v/s

Union of India through
G.M. Central Rly. & 2 ors.

..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.

ORAL JUDGMENT:

(Per: M.S. Deshpande, Vice Chairman)

DATED: 16.12.94

Heard Mr. B.J. Kawade, Counsel for the applicant. By the present application the applicant seeks compensation amounting to Rs. 9 lakhs together with interest on account of the negligence of the Government Medical Officer in rendering him medical treatment.

2. Obviously the claim is based on Tort and tortious liability cannot partake the character of service matter as defined in S. 3(q) of the A.T. Act, 1985. Sub-clause (v) of clause (q) which is residuary clause and speaks of any other matter whatsoever shall have to be read with other four clauses which precede such as remuneration, tenure, leave and disciplinary matters. The claim cannot therefore be entertained by the Tribunal as it has ~~no~~ jurisdiction, such a claim not falling under the category of service matter.

3. The O.A. is disposed for want of jurisdiction.


(M.S. Deshpande)
Vice Chairman