

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1004/94

Transfer Application No.

Date of Decision 29.11.95

B.D. Tapkire

Petitioner/s

Shri B.S. Thingore

Advocate for
the Petitioners

Versus

Union of India and others

Respondent/s

Shri N.K. Srinivasan

Advocate for
the Respondents

CORAM :

Hon'ble Shri. M.R. Kolhatkar, Member (A)

Hon'ble Shri.

- (1) To be referred to the Reporter or not ? ☒
- (2) Whether it needs to be circulated to other Benches of the Tribunal ? ☒

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING No.6
PRESBOT ROAD, BOMBAY -1.

Original Application No. 1004/94

Wednesday, this the 29th day of November 1995

CORAM: Hon'ble Shri M.R. Kolhatkar, Member (A)

B.D. Tapkire

... Applicant.

By Advocate Shri B.S.Thingore

V/s.

Union of India through
General Manager,
Western Railway,
H.Q.Office
Churchgate, Bombay.

Divisional Railway Manager,
Western Railway,
Bombay Central, Bombay.

... Respondents.

By Advocate Shri N.K. Srinivasan.

ORDER

¶ Per S hri M.R. Kolhatkar, Member (A) ¶

The Applicant was working as Chief Catering Inspector at the time of his retirement in April 1992. Since February 1983, there was some dispute relating to excess recovery of Rs. 3096.35. Orders relating to refund of Rs. 3096.35 were issued on 21.4.93 and the amount was credited in the account of the applicant on 7.9.93. The applicant is at present staying in Ahmedabad.

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2. The learned counsel for the respondents has raised a preliminary objection that this Bench of the Tribunal has no jurisdiction to entertain this application in terms of Rule 6 of CAT(Procedure) Rules 1987 in as much as the applicant is not in service and he has retired and stays^{at} at Ahmedabad and the cause of action namely interest on the amount of Rs. 3096.35 for a period of 10 years plus cost cannot be said to have arisen within the jurisdiction of Bombay Bench. It was also pointed out that as per Exhibit A - 8, the applicant was pursuing the matter with Sr. Divisional Personnel Officer, Baroda and therefore, the cause of action can be said to have arisen, if at all, within the jurisdiction of the Ahmedabad Bench of the Tribunal.

3. After hearing the parties for some time the learned counsel for the applicant prayed for leave to withdraw the Original application with leave to file it before the appropriate forum as advised. The O.A. is therefore disposed of as withdrawn with liberty to the applicant to file it in the appropriate forum as advised within a period of one month from the communication of this order. There will be no order as to costs.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)