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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

O.A. No. 55c/87

T.A. No.

DATE OF DECISION 6-12-89.

Petitioner

Advocate for the  
Petitioner(s)

Versus

Respondent

Advocate for the  
Respondent(s)

CORAM

The Hon'ble Mr. D. SURYA RAO MEMBER (S)

The Hon'ble Mr. R. BALA SUBRAMANIAM MEMBER (A)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice-Chairman on columns 1, 2, 4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

✓  
DSR  
HM(S)

✓  
RBS  
HM(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD  
BENCH : AT HYDERABAD :

O.A.No.550/87.

Date of Order:6-12-89.

The General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.

...Applicant

Versus

A.Narayana Rao,  
Retd. Station Master,  
H.No.28/650-A, Yellow Building,  
State Bank of India Colony,  
Anantapur - 515001.

...Respondent

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Counsel for the Applicant : Shri P.Venkatarama Reddy  
SC for Railways

Counsel for the Respondent : Shri Koka Satyanarayana Rao  
Advocate

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CORAM:

HONOURABLE SHRI D.SURYA RAO : MEMBER (JUDL) (I)

HONOURABLE SHRI R.BALA SUBRAMANIAM : MEMBER (ADMN)

(Judgment of the Bench dictated by Hon'ble  
Shri D.Surya Rao, Member (J) ).

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The General Manager, South Central Railway is the applicant herein. The respondent is one Sri A.Narayana Rao, a retired Station Master, who <sup>had</sup> was settled at Anantapur in Andhra Pradesh. /this application filed O.S.No.21/83 in the court of the Principal Sub-ordinate Judge, Anantapur. The suit had been filed by the respondent herein claiming that he is entitled to (i)Arrears of salary for the period of 14-5-78 to 28-7-88 and from 29-9-78 to 27-2-79; (ii) Rs.1452.50ps. towards Special Contribution to Provident Fund which was due to him in the year 1962 consequent upon his removal from service; (iii)Salary for 2 days i.e. for

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for 4-10-80 and 5-10-80 when he was called upon to work on the days of strike as a retired employee. The Trial Court by its judgment dated 22-4-87, decreed the suit and directed the Defendant to pay the sum of Rs.7006-80ps towards the first claim of the plaintiff. The Lower Court had <sup>further</sup> decreed and further directed the defendant to pay the sum of Rs.1,452-50ps. towards special contribution of Profident Fund and Rs.44/- towards the two days salary. It also directed that a sum of Rs.1,821-95ps. if paid towards leave salary should be given credit to in the decratal amount. The Lower Court also directed the defendant to pay the party his costs.

2. We have heard the Standing Counsel for the Railways for the applicant and the learned counsel for the respondent. Apart from assailing the Judgment of the Lower Court on merits it is contended by the learned Standing Counsel for the Railways that the Judgment and the decree of the Trial Court are illegal and a nullity since on the date of judgment i.e. 22-4-87, the Civil Court lacked inherent jurisdiction to hear the suit. This contention is in our view valid. The Central Administrative Tribunal Act had come into force and the Tribunal was constituted with effect from 1-11-85. Under Section 29(1) of the Administrative Tribunals Act, 1985 every suit or other proceedings pending before any court shall stand transferred to the Tribunal after the constitu

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tion of the Tribunal. Section 14 of the Act also provides that from date of the constitution of the Tribunal i.e. 1-11-85, the Tribunal shall <sup>excise</sup> all the jurisdiction and powers exercisable immediately before that date by all courts in relation to service matters relating to employees of the Central Government including the Railways. It is therefore clear that the Principal Sub-ordinate Judge had no jurisdiction before or on 22-4-87 to dispose of the suit. The Judgment and decree of the Principal Sub-ordinate Judge in the said suit is accordingly set aside.

3. However, we are of the view that the setting aside of the Judgment and decree should not mean that the plaintiff's (respondent herein) claim should not be adjudicated. The suit had been properly filed in 1983 and the Sub-court was competent to receive it. The fact that the jurisdiction of the Sub-court stood ousted consequent on the coming into force of the Administrative Tribunals Act and the disposal of the suit by the Sub-court by inadvertance or otherwise should not deprive the respondent/plaintiff the right to adjudication of his claim. Since the judgement of the Principal Sub-court is a nullity all that can be said is that it can be ignored and it is as though it was never passed. The suit consequently must be <sup>deemed</sup> ~~situated~~ to be pending. The Principal Sub-ordinate

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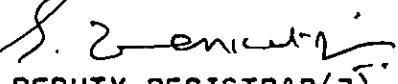
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Judge in terms of rule 14 of section 29 of the Administrative Tribunals Act, 1985 is liable to transfer the suit to this Tribunal for disposal in accordance with the merits. A copy of this order may be despatched to Principal Sub-ordinate Judge, Anantapur with a request that he may transfer the records of O.S.No.21 of 1983 on his file to this Tribunal for disposal by the Tribunal. The present application is filed by the Railways is allowed with the above directions. No order as to costs.

  
(D. SURYA RAO)  
Member (J)

  
Rabala Subramaniam  
(RABALA SUBRAMANIAM)  
Member (ADMN)

Ot.6th December, 1989.  
Dictated in open court

  
S. Venkata Rama Reddy  
DEPUTY REGISTRAR (J). 15/11/89

To,

1. The General Manager, South Central Railway, Railnilayam, Secunderabad-500371. 15/11/89  
AMR.
2. One copy to Mr.P.Venkata Rama Reddy, SC for Rlys, CAT, Hyderabad.
3. One Copy to Mr.Koka Satyanarayana Rao, Advocate, 3-6-498, Himayatnagar, Hyderabad-500029.
4. One copy to Principal Sub-ordinate Judge, Ananthapur.
5. One spare copy.

PSR

15/11/89