

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.534-of-1994

DATE-OF-ORDER:-4th-March,-1997

BETWEEN:

1. G.B.Das,
2. T.R.Narasimha,
3. Harry Thirumalar,
4. G.Narsinga Rao,
5. M.A.Basheer,
6. Ambicapathy,
8. Anil Kumar,
9. Bikshapathi,
10. A.Sreedhar,
11. M.Mukesh,
12. M.Nageshwar Rao,
13. B.Gopal,
14. K.Manikyam,
15. B.Narsimha Rao,
16. K.Anand Kumar,
17. ~~Pentanna~~.....,
19. B.R.Krishna,
20. P.Mallesh,
21. B.Laxmaiah,
22. N.Satyanarayana,
23. Azeem Khan,
24. Md.Shafi Hameed,
25. R.Narsinga Rao,
26. C.Anand,
27. A.Venkat Narasiah,
28. Satyanarayana,
29. Md.Khader,
30. K.Narsinga Rao.

.. APPLICANTS

AND

1. The General Manager,
South Central Raiwlay,
Secunderabad,
2. The Chief Works Manager,
S.C.Railway, Lallaguda,
Secunderabad,
3. M/s Bombay Mercantile Cooperative Bank
rep. by its Manager, Hyderabad Branch,
Lakdikapool, Hyderabad.

RESPONDENTS

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COUNSEL FOR THE APPLICANTS: Mr.S.KRISHNA

COUNSEL FOR THE RESPONDENTS: Mr.J.R.GOPALA RAO, Addl.CGSC
Mr.Syed Abid Ali for R-3

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

ORDER

MEMBER (JUDL.)

None appears for the applicants. The applicants are also absent when this case is taken up for hearing. Heard Shri J.R.Gopala Rao, learned counsel for R-1 and R-2. R-3 is also absent.

2. There are 30 applicants in this OA. They are the employees in Lallaguda Workshop, South Central Railway, and other emoluments through R-3 Bank. On 24.3.94, they submitted a representation to R-1 and R-2 requesting them ^{not} to remit their salary and emoluments through R-3 Bank. Their representation was not accepted. Hence this OA is filed to declare the action of R-1 and R-2 in refusing to accept their representation and in not taking steps to stop remittance of salaries of applicants to R-3 Bank as illegal, arbitrary, unjust and violative of principles of natural justice and to direct the respondents to stop the remittance of salaries of applicants to R-3 Bank and to pay the salaries directly to them.

3. The respondents have filed reply contending that this Tribunal has no jurisdiction to entertain the OA, that the applicants themselves opened savings bank account

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with the R-3 Bank, that they categorically instructed their employers to remit their bonus, salary and other emoluments to the savings bank account, that the said instruction was irrevocable; that in Para 3 of the said instruction, they had agreed that the said request was irrevocable one and on the basis of the said instruction issued to their employers, the applicants obtained loan or financial assistance from R-3 Bank, that with a view to defraud the bank they have now given representation and that the respondents were justified in not considering their request.

4. The first contention of the learned standing counsel for the respondents is that this Tribunal has no jurisdiction to entertain this application. It is his contention that this matter does not come within the definition of service matter as defined in Section 3(q) of the Administrative Tribunals Act, 1985. It is his further contention that the applicants, in order to deceive or defraud R-3 Bank have filed the representation and that, therefore, this Tribunal has no jurisdiction. Section 3(q)(v) includes any other matter whatsoever. The learned counsel for the respondents submits that any other matter whatsoever defined in the said Section pertains to matters similar to one as explained in Section 3(q)(i) to (iv) of the A.T.Act. Since the applicants have submitted their declaration to the Railways that their pay and allowances should be deposited with the R-3 Bank for a period of five years from date of declaration, it cannot be said that the present case comes under Rule 3(q)(v) of the A.T.Act. Hence we feel that this Tribunal has no jurisdiction to entertain this matter. Therefore, ~~we feel it is appropriate~~

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we feel it appropriate to ²return this OA to the applicants for being presented before a competent judicial forum.

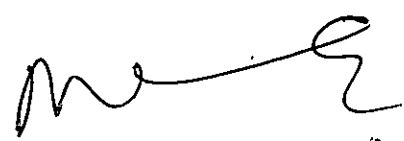
6. Hence the following direction is given:-

Return the OA to the applicants for being presented before a competent forum.

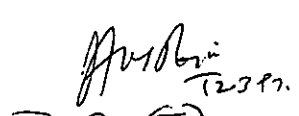
6. Before we part with this OA, we will like to observe that the reported contract entered with the Bank by the ^{Railway} administration by its letter dated 17.1.94 (Annexure R-31 at Page 36 of the ~~report~~ ^{order} in accordance with the rules. When we requested the learned counsel for the respondents to indicate to us the procedure followed, the learned standing counsel for the respondents submitted that as it does not concern with the OA, he does not possess it now. But we strongly feel that any Railway official entering in contract ^{is} ~~dehors~~ rules is a case of ~~violation~~, probably Railways will be the loser. Though we are not sure whether it is in order or not, we would like to bring this to the notice of ^{us} R-1 to decide whether such contract can be entered by a Railway official in his capacity without any proper rules or procedure or without obtaining proper permission from the competent authority. We are sure that R-1 will like to examine this aspect and take necessary action as deemed necessary.

8. The OA is ordered accordingly. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
6/3/97


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED:-4th-March,-1997
Dictated in the open court.


D.R. (J)

2.57.

D.A.NO.534/94

Copy to:

1. The General Manager, South Central Railway, Secunderabad.
Lallaguda, Secunderabad.
3. M/S Bombay Mercantile Cooperative Bank, Rep. by its Manager,
Hyderabad Branch, Lakdikapool, Hyderabad.
4. One copy to Mr.S.Krishna, Advocate, Opp.Venkataramana Theatre,
Hyderabad.
5. One copy to One copy to Mr.J.R.Gopal Rao, Addl.CGSC,CAT,Hyderabad.
6. One copy to Mr.Syed Abid Ali, Advocate,CAT,Hyderabad.
7. One copy to D.R(A), CAT,Hyderabad.
8. One duplicate copy.

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8 copies

9/23/97

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 4/3/97

ORDER/JUDGEMENT

R.A./C.P/M.A.No.

O.A.No. 534/94 in

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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