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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 05.07.2000

OA No.481/1994 with MA No.517/94

Om Prakash Trehan S/c Shri Desh Raj Trehan, R/o Bani Park,  
Jaipur, Distt. Jaipur

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. The Manager, Mandal Railways, Western Railway, Jaipur.
3. Judge, Central Industrial Tribunal, Jaipur.
4. Dalchand, Retired Office Superintendent, House No. G/ Ganpati Nagar, Railway Colony, Jaipur.

.. Respondents

Mr. Sunit Awasthi, counsel for the applicant.

Mr. Manish Bhandari, counsel for the respondents Nos. 1 to 3

Mr. S.K.Jain, counsel for respondent No.4

CORAM:

Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

Hon'ble Mr. H.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. Justice B.S.Raikote, Vice Chairman

This application is filed for appropriate directions directing the respondents to consider the case of the applicant for notional promotion and all other consequential benefit over and above private respondent No.4. It is his case that respondent No.4 was junior to him and what all benefits conferred upon him, he would also be entitled to the same including pensionary benefits. The counsel appearing for the respondents submits that this application is not maintainable for more than one reason. He brought to our notice the order passed by the Central Industrial Tribunal dated 6.1.1992 (Ann.A10) in which he raised ~~same~~ contentions and ultimately vide judgment and award dated 6.1.1992 the Central Industrial Tribunal, Jaipur rejected his contention. They contended that this order cannot be challenged before this Tribunal. There is a substance in this argument. When the matters are rejected before the Central Industrial Tribunal and ultimately an award is passed, the said award cannot be challenged before this Tribunal under Section 14 of the Administrative Tribunals Act. This position of law is not denied by the learned counsel for the applicant. From these



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circumstances, it is clear that we have no jurisdiction to entertain this application. However, it is submitted on behalf of the applicant that earlier a Writ Petition was filed before the Hon'ble High Court of Rajasthan in SB Civil Writ Petition (Default) No. 685/95 but the same was permitted to be withdrawn vide order of the Hon'ble High Court dated 11.3.1992. Since under Section 14 of the Administrative Tribunals Act we do not have jurisdiction to entertain this application, we have no option but to return the papers to the applicant for being presented before the appropriate forum. Accordingly, we pass the order as under:-

This application is not maintainable before this Tribunal, hence the office is directed to return the papers to the applicant for being presented before the appropriate competent forum. No costs.

  
(N.P. NAWANI)

Adm. Member

  
(B.S. RAIKOTE)

Vice Chairman