

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT COURT SITTING AT BILASPUR (CHATTISGARH)

Original Application No.287 of 2003

Bilaspur, this the 24th day of September, 2003

Hon'ble Shri Justice V.S.Aggarwal, Chairman
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Smt. Padma Bai, W/o Late Shri Ganga Ram
aged about 65 years, retired as Reja,
under PWI, S.E.Rly., (Now S.E.C.Rly.) Baradwar,
Resident at : LIG -99
Deorikhurd, Bilaspur-495001

..... Applicant

(By Advocate - Shri B.P.Rao)

Versus

1. Union of India
Through: The General Manager
South Eastern Central Railway
Bilaspur Zone, Bilaspur

2. The Divisional Railway Manager
South Eastern Central Railway
Bilaspur Division, Bilaspur.

3. The Senior Divisional Engineer
(Co-ordination), South Eastern Central Railway
Bilaspur Division, Bilaspur

4. The Chief Permanent Way Inspector, South
Eastern Central Railway, Bilaspur Division,
Bilaspur. Respondents

(By Advocate - Shri M.N.Banerji)
O R D E R (Oral)

Justice V.S.Aggarwal -

The applicant Smt. Padma Bai, by virtue of the present application, seeks a direction for payment of pension with effect from 1.10.1995 and further to revise the pension in view of the Fifth Pay Commission's recommendations with consequential benefits regarding payment of interest.

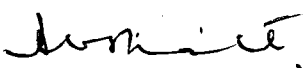
2. The respondents' learned counsel has taken up a preliminary objection pertaining to the maintainability of the present petition, contending that on an earlier occasion the applicant had filed a civil suit before the Third Civil

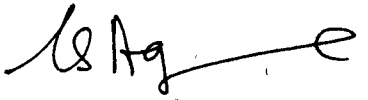
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Judge, Class-I, Bilaspur and the said Civil Suit was dismissed for non-prosecution. The precise objection thereupon is that once the said suit has been dismissed for non-prosecution, the present petition is not maintainable. However, it is fairly conceded that the applicant was serving in the Indian Railways South ~~Central~~ ^{Central} Eastern Railway, Bilaspur. Once the applicant was serving in the South ^{East} Central Railway at Bilaspur it flows automatically that only the Central Administrative Tribunal would have the jurisdiction to deal with the matter. The jurisdiction of the Civil Courts are specifically excluded. Any proceedings before the learned Civil Judge would, therefore, be non-est. Once it is so and the proceedings besides non-est would be without any jurisdiction, we have least hesitation in concluding that the dismissal of the said civil suit is of no consequence and would not be a bar to file the present petition.

3. However, on merits of the matter, when the attention of the learned counsel was drawn to the fact that there is no order on the record regularising the applicant and, therefore, the reliefs cannot be granted, the learned counsel states that he may be permitted to withdraw the present petition with liberty to file a fresh one claiming the necessary reliefs as may be deemed appropriate. Allowed as prayed. Subject to aforesaid, the CA is dismissed as withdrawn.


(Anand Kumar Bhatt)
Administrative Member


(V.S. Aggarwal)
Chairman