

12.05.2009

OA No. 242/2008

Mr. P.N. Jatti, Counsel for applicant.
Ms. Sonal Singh, Proxy counsel for
Mr. Alok Garg, Counsel for respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the
OA is disposed of.

(B.L. KHATRI)
MEMBER (A)

AHQ.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH**

Jaipur, this the 12th day of May, 2009

ORIGINAL APPLICATION NO. 242/2008

CORAM:

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Mr. M.P.Mehta son of Late Shri K.L. Mehta by caste Mehta aged about 47 years, resident of Bungalow No. 3, Ganpati Nagar, Railway Colony, Jaipur. Presently working as CPTM (Chief Passenger Transportation Manager), NW Railway, Jaipur.

.....APPLICANT

(By Advocate: Mr. P.N. Jatti)

VERSUS

- 1. Union of India through the Secretary Railway Board, Rail Bhawan, Rai-Sina Road, New Delhi.**
- 2. Managing Director, Indian Railway Catering and Tourism Corporation Ltd., 9th Floor, Bank of Baroda Buidling, Sansad Marg, New Delhi.**
- 3. GGM, North Zone (IRCTC), Rail Yatri, Niwas Building, Ajmeri Gate Side, New Delhi, Railway Station, New Delhi.**

.....RESPONDENTS

(By Advocate: Ms. Sonal Singh proxy to Mr. Alok Garg)

ORDER (ORAL)

The applicant has filed this OA u/s 19 of the Administrative Tribunal's Act, 1985 thereby praying for the following reliefs:-

- "i) That by a suitable writ/order and the direction the impugned order vide Annexure A/1 dated 30.5.2008 be quashed and set aside. The respondents be directed to draw the pay and allowances of the applicant with effect from 27.12.2007 to 24.03.2008.**
 - ii) That a reasonable interest be allowed to the applicant on with holding the amount of pay and allowances.**
 - iii) That a reasonable cost for filing the DA be allowed to the applicant for the arbitrary action of the respondent for not allowing the pay and allowances.**
 - iv) Any other relief which the Hon'ble Bench deems fit."**
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2. From impugned order dated 30.05.2008 (Annexure A/1), it has been clarified that the applicant had been repatriated on 27.12.2007 from IRCTC and he had resumed his duties at North Western Railway, Jaipur on 25.03.2008 on the basis of the order dated 27.12.2007. Since the applicant had already joined his duties North Western Railway, Jaipur, it was advised by the IRCTC to get his sick leave sanctioned from the Railways for the period w.e.f. 27.12.2007 to 24.03.2008.

3. I have heard learned counsel for the parties. Learned counsel for the respondents has raised preliminary objection that this application cannot be entertained by the Tribunal as Indian Railway Catering & Tourism Corporation (IRCTC in short) does not fall within the jurisdiction of this Tribunal. IRCTC does not fall in the list of organizations brought within the purview of Central Administrative Tribunal and even in the notification dated 22.04.2008 issued by the Ministry of Personnel, Public Grievances and Pension. In this connection, it is necessary to reproduce the provisions contained in Sub-Section 2 of Section 14 of the Administrative Tribunal's Act, which reads as under:-

"(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations (or societies) owned or controlled by government, not being a local or other authority or corporation (or society) controlled or"

4. This issue has also been covered by this Tribunal vide order dated 15.04.2004 in OA No. 26/2000, Hanuman Prasad Sharma vs. Union of India & Others. In view of the rule position explained above, it is evident that this Tribunal has not vested their jurisdiction over IRCTC. Therefore, this OA cannot be entertained for want of jurisdiction; as such no mandatory directions can be issued to the IRCTC. However, the applicant is at liberty to move an application before the Railway authorities having regard to the facts mentioned in Para NO. 2 of this order and if the applicant is aggrieved by any order

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passed by the Railway authorities, he can approach this Tribunal again.

5. With these observations, the OA is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)

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