

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

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ORDERS OF THE TRIBUNAL

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24.11.2008

OA 246/2008

Mr. P.N. Jatti, counsel for applicant.  
Ms. Sonal Singh, Proxy counsel for  
Mr. Alok Garg, counsel for respondent no. 2.  
None present for other respondents.

Heard learned counsel for the parties.

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

  
(M.L. CHAUHAN)  
MEMBER (J)

ahq

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 24<sup>th</sup> November, 2008

**ORIGINAL APPLICATION NO. 246/2008**

**CORAM:**

HON'BLE MR. M.L. CHAUHAN, JUDICIAL 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, IRCTC, Bank of Baroda, Building 16, Parliament Street, New Delhi.
3. General Manager (P), North West Railway, Jaipur.

.....RESPONDENTS

(By Advocate: Ms. Sonal Singh Proxy to Mr. Alok Garg (Respondent-2)  
None for respondents nos. 1 & 3

**ORDER (ORAL)**

The applicant has filed this OA thereby praying for the following reliefs:-

- "(i) That as no opportunity has been allowed to the applicant before the issuance of the recovery order therefore by a suitable writ/order or the direction the impugned order vide annexed A/1 dated 29.5.2008 A/1 be quashed and set aside.
- (ii) Any other relief which the Hon'ble Bench deems fit.

(iii) That a reasonable cost for filing the DA be allowed to the applicant for the arbitrary action of the respondents for not allowing the pay and allowance.

(iv) Any other relief which the Hon'ble Bench deems fit."

2. As can be seen from the prayer clause, the main grievance of the applicant is <sup>regarding</sup> the order dated 29.05.2008 (Annexure A/1) issued by respondent no. 2 whereby the Railway Authorities have been asked to recover a sum of Rs.2,12,728/- from the applicant from his salary against an advance of Rs.3 lac sanctioned in favour of the applicant.

3. Notice of this application was given to the respondents. Respondent No. 2 i.e. Managing Director, IRCTC, Bank of Baroda, New Delhi has filed reply. In the reply, the respondent no. 2 has raised objection regarding maintainability of this OA on the ground that Respondent No. 2, Indian Railway Catering & Tourism Corporation does not fall within the jurisdiction of this Tribunal as no notification has been issued in its favour. Respondent no 2 has also placed on record a comprehensive list of organizations which fall within the jurisdiction of this Tribunal at Annexure R-2/1.

4. Respondent nos. 1 & 3 have not filed any reply.

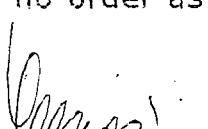
5. I have heard the learned counsel for the parties. I am of the view that since the relief claimed by the applicant in this OA is regarding quashing of the impugned order at Annexure A/1, which order has been issued by respondent no. 2 and admittedly no notification u/s 14(2) of the Administrative Tribunal's Act has been issued thereby conferring jurisdiction over this Tribunal, As such this OA cannot be entertained. Accordingly, without going into merit of the case, this OA is disposed of on the ground that as this Tribunal has got

no jurisdiction to entertain the OA, it will be permissible for the applicant to challenge the validity of the impugned order before appropriate forum.

6. Learned counsel for the applicant submits that since pursuant to impugned order (Annexure A/1), Railway authorities have recovered the aforesaid amount and this Tribunal has already granted stay whereby the respondents have been restrained to proceed further pursuant to impugned order (Annexure A/1), as such the stay may be continued for some period so that he can approach before the competent court thereby challenging the action of Respondent no. 2.

7. In view of what has been stated above, I am of the view that it will be in the interest of justice if interim stay, as granted on 18.09.2008 as continued from time to time, is continued till 14.12.2008 so that the applicant can challenge the action of the respondents including action of respondent no. 2 before appropriate forum.

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

  
(M.L. CHACHAN)  
MEMBER (J)

AHQ