

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.4045/2017

New Delhi this the 29th day of November, 2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Ex Sub Krishna Kandpal, Age 76,
S/o Late Sh. Khimdev Kandpal,
R/o RZI, 123B, Old Sombazar Road, Group 'C',
Mahavir Enclave, New Delhi-110045 - Applicant

(By Advocate: Mr. Ajit Kakkar)

VERSUS

1. Union of India through
Secretary,
Ministry of Home Affairs,
New Delhi
2. Pay and Accounts Officer,
Central Pension Accounts Office,
Department of Expenditure,
Bhikaji Cama Place, New Delhi
3. Director General Assam Rifles,
Directorate of Assam Rifle,
UPAO Branch, Shillong-793011
4. State Bank of India
Through its Manager,
Centralized Pension Processing Cell,
3rd Floor, Chandni Chowk, New Delhi - Respondents

(By Advocate: Mr. YP Singh for respondent nos. 1 to 3)

ORDER (Oral)

The applicant has filed this Original Application (OA),
seeking the following reliefs:-

- “(a) To call for all records from the respondents regarding
fixation of pay and allowances of the applicant from
the date of retirement and on revision of
implementation of 5th CPC, 6th CPC and 7th CPC.
- (b) To direct the respondents to correct the fixation of the
pay and allowances of the applicant.

- (c) To direct the respondents to repay all the money recovered from the Applicant, including TDS along with interest of 18%.
- (d) To direct the authorities for payment of damages and agony suffered by the applicant.
- (e) Pass such and other orders, as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. When the matter is taken up, the preliminary objection raised by the respondents is that this matter pertains to a person who was employed by Assam Rifles and hence, does not come within the jurisdiction of this Tribunal.

3. The first issue before the Tribunal decides any matter, is always to see the question whether it has jurisdiction over the matter. It is noticed that the applicant – Ex. Subedar Krishna Kandpal was enrolled in the Assam Rifles on 18.09.1960 as a recruit.

4. Quite clearly, counsel for the respondents is correct when he contends that this Tribunal does not have any jurisdiction over the concerned organization, i.e. Assam Rifles. Hence, it is not a fit case for adjudication or admission under Section 19 of the Administrative Tribunals Act, 1985 and cannot be disposed of by this Tribunal. The OA is accordingly dismissed. However, it is noted that the applicant has made a bonafide mistake in filing the OA in the Tribunal and he is at liberty to avail of his remedy before the appropriate forum, in accordance with law. No costs.

(Nita Chowdhury)
Member (A)

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