

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00214/2018 in OA/310/01886/2016
Dated Tuesday the 17th day of April Two Thousand Eighteen

PRESENT

HON'BLE SMT. B. BHAMATHI, Member (A)

M.Muthukaruppan,
S/o. Late A.Marimuthu,
Door No. 5/35, K. Vellakulam (Post),
(Via) Kalligudi,
Madurai District 625701.Applicant

(Party in person)

Vs

- 1.Union of India rep by the
Secretary to the Govt. of India
rep by : The Ministry of Railways,
Rail Bhawan, New Delhi 110001.
- 2.The Railway Board,
Rep by the Deputy Secretary E (O),
Railway Board,
New Delhi 110001.
- 3.The Union Public Service Commission
(Sangh Lok Seva Ayog),
Dholpur House,
Shahjahan Road,
New Delhi 110069.
- 4.The General Manager,
Southern Railway,
Park Town,
Madras 600003.Respondents

By Advocate M/s. R. Sathyabama (R1, 2 & 4)

ORAL ORDER

(Pronounced by Hon'ble Smt. B. Bhamathi, Member(A))

Heard. This MA has been filed in OA 1886/2016 for posting this case before Single Bench and for passing appropriate order on the relief sought in the OA.

2. The applicant has sought the following relief in this OA:

“direct the respondents to release all the monetary and service benefits payable on the date of superannuation retirement falls on 30.06.2014 with the accrued “appropriate commercial interest” from that due date of 30.06.2014 to till date of its realization of that amounts and with the “prescribed date” or pass any other appropriate writ, order or direction as this Hon'ble court may deems fit and proper in the present circumstances of this case and thus render justice.”

3. When the matter is taken up for hearing, applicant appearing in person insists on hearing the case in the Single Bench in terms of Appendix VIII of CAT Rules of Practice, 1993 which notifies the cases which can be heard by a Single Bench and accordingly pass appropriate orders. The applicant has relied on Rule 47 along with Rule No. 154 (d) of the CAT Rules of Practice, 1993 which are reproduced below:

“47. Early hearing of cases – If early hearing of a case out of turn is required, the party / Legal Practitioner shall make an application stating the reasons therefor in Form No. III of the Procedure Rules, after serving copy thereof to the other parties. The application shall, if in order, be listed before the Chairman or in his absence the Vice-Chairman nominated by him in the case of the Principal Bench and before the Vice-Chairman and in his absence before the seniormost available Member in the case of other Benches.”

“154(d).Single Member Bench cases shall be classified in accordance with Appendix-VIII as may be modified by the Chairman from time to time.”

4. Learned counsel for the respondents on the other hand, opposes the plea of the applicant stating that the subject matter in the OA pertains to Disciplinary Case, the applicant's case comes under Appendix VII (9) (a) of

the CAT Rules of Practice, 1993 and not under Appendix VIII of the CAT Rules of Practice, 1993 as claimed by the applicant. As such the applicant's claim could be heard only by a Division Bench. She further submits that since the applicant was imposed with a punishment of removal from service, he is not entitled to payment of pensionary benefits and gratuity in terms of Rule 40 and Rule 65 (1) of the Railway Services (Pension) Rules 1993 which are reproduced as follows:

“40. Dismissal or removal of a railway servant from a service or post shall lead to forfeiture of his past service.”

“65(1). A railway servant who is dismissed or removed from service shall forfeit his pension and gratuity :

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which would have been admissible to him if he had retired on compensation pension.”

5. On perusal it cannot be disputed that the applicant's case is covered under the Appendix VII (9)(a) of the CAT Rules of Practice, 1993 and not under Appendix VIII of the CAT Rules of Practice, 1993 as claimed by the applicant. Appendix VIII notifies the cases which could be heard and disposed of by a Single Bench and the subject matter in the OA pertains to Disciplinary case which is notified as a Division Bench matter.

6. Considering the above submissions and the subject matter in this case, the main relief claimed by the applicant could be heard and orders could be passed only by a Division Bench. Presently there is no Division Bench available since 01.01.2018. Therefore, the prayer of the applicant for transferring this case before Single Bench for passing orders on his claim is

not acceptable. However the applicant is at liberty to seek redressal of his claim in the OA before any other Bench of this Tribunal where DB is available.

7. Accordingly, MA 214/2018 stands rejected and is accordingly dismissed. List the OA on 20.06.2018. Copy of this order be served on both applicant and learned counsel for respondents.

**(B. Bhamathi)
Member(A)
17.04.2018**

SKSI