

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

O.A. No. 679/2017

Date Of Decision: 08th April, 2019.

CORAM: R. VIJAYKUMAR, MEMBER (A).

Janardan Jaisingh Rao Shinde,
S/o Shri Jaysinghrao Raghunathrao Shinde,
Aged about 61 years, b/c Maratha
R/o- 3/131 Shivilaxmi, Chaitanya Nagar,
Kuwarbaw, Ratnagiri, Maharashtra- 415 639.
(Office Address: Worked as Rajbhasha Sahayak,
Konkan Railway, in the Office of Area Rail
Manager, Ratnagiri.)

...Applicant.

(By Advocate Shri S P Singh)

Versus

1. Union of India,
Through the Chairman & Managing Director,
Konkan Railway Corporation, Belapur Bhawan,
CBD Belapur, Navi, Mumbai- 400 614.
2. The General Manager(Admn),
Konkan Railway Corporation, Belapur Bhawan,
CBD Belapur, Navi Mumbai- 400 614.
3. The Chief Personnel Officer,
Konkan Railway Corporation, Belapur Bhawan,
CBD Belapur, Navi Mumbai- 400 614.
4. The Regional Personnel Officer,
Regional Railway Manager Office,
Mirjole, M.I.D.C., Ratnagiri- 415 639.
5. The Regional Manager,
Regional Railway Manager Office,
Mirjole, M.I.D.C., Ratnagiri- 415 639.

...Respondents.

(By Advocate M/S M V Kini & Company).

ORDER (ORAL)

This application has been filed on 12.09.2017 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

" a. The impugned order Memo No. KR/KC/S/01-2016 dt.

19.09.2016 (Annexure A-1) may kindly be declared illegal, unjust, improper and deserves to be quashed and set aside and consequential benefits may kindly be granted.

b. That by writ order or direction the impugned order Memo No. CO/G/PG/CPGRAMS/2017 dt.

07.03.2017 (Annexure-A2) in respect of recovery may kindly be declared illegal, unjust, improper and deserves to be quashed and set aside.

c. That by writ, order or direction, the respondents may kindly be directed to refund the recovered amount with 18% pa.

d. That any other direction or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest justice.

e. That the costs of this application may be awarded to the applicant."

2. The applicant has challenged certain orders of recovery passed by the respondents who are officials of the Konkan Railway

Corporation, Navi Mumbai. On the aspect of jurisdiction, the applicant has claimed that this matter comes within the jurisdiction of this Tribunal. However, the reply filed by respondents specifically agitates this aspect and with reference to the list of Agencies brought under the jurisdiction of this Tribunal under the Act, they have stated that the Konkan Railway Corporation Limited is a Public Sector Undertaking (PSU) and disputes between the PSU and its workmen are being agitated under the Industrial Disputes Act.

3. In rejoinder, learned counsel for the applicant has not responded clearly on this specific aspect of whether this company is cited and notified as within the jurisdiction of this Tribunal. Instead, a generalized statement had been made that an aggrieved employee can approach any competent Court or the Central Administrative Tribunal for relief.

4. It is amply clear that this Tribunal can exercise jurisdiction only in respect of

agencies of the Central Government that are specifically notified and in this regard, the Konkan Railway Corporation does not find place in the list of Organizations and Departments duly notified for consideration before this Tribunal.

5. In the circumstances, this OA has been filed without regard to jurisdiction and the applicant needs to approach a competent Tribunal or Court for securing relief. The OA is dismissed on this ground with liberty to the applicant to file his application within four weeks, if so legally advised. No costs.

(R. Vijaykumar)
Member (A)

Ram.

JW
10/4