

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

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No. M.A. 350/00248/2014
O.A. 350/01037/2014

Date of order : 25.2.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

KUMAR CH. SAREN

VS.

UNION OF INDIA & ORS. (Eastern Railway)

For the Applicant : None

For the Respondents : Mr. A.K. Guha, Counsel

ORDER (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

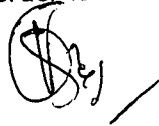
Heard Ld. Counsel for the respondents. None is present on behalf of the applicant.

2. In this matter an order passed by Estate Officer dated 3.1.2007 was put under challenge. From the perusal of record it reveals that an appeal was also dismissed on 27.4.2007 (Annexure A-18).

3. The case of the petitioner is that when he was transferred he retained the house and illegally penal rent was deducted from his salary commencing from 2008 onwards. The Tribunal have no jurisdiction when the judicial proceedings have been initiated according to a particular statute. The order attains finality after appeal and remedy does not lie here under AT Act, 1985.

4. The Ld. Counsel for the respondents along with his reply filed a copy of the judgment of this Bench wherein the similar view has been propounded on the basis of a judgment of the Hon'ble Apex Court reported in **2002 SCC (L&S) 1016 Union of India v. Rasila Ram & ors.**

5. The petition is highly belated. The impugned order is of 2008. From the



pleadings it appears that recovery was started since 2008. Hence, there is no reason to condone the delay in preferring this O.A. Moreover, O.A. is also not legally maintainable as stated hereinabove.

6. Hence, this petition is dismissed at the admission stage. There shall be no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP