



W.A.No.1150 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.08.2022

CORAM :

The Hon'ble Mr. Justice PARESH UPADHYAY

and

The Hon'ble Mrs. Justice V. BHAVANI SUBBAROYAN

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C.Muthukumaraswamy

.. Appellant

Vs

1.Union of India

Through Additional Secretary,
Ministry of Finance,
Department of Expenditure,
New Delhi.

2.Union of India

Through Deputy Director / PC-VII,
Railway Board,
New Delhi.

.. Respondents

Appeal preferred under Clause 15 of Letters Patent against
the order dated 03.03.2021 made in W.P.Sr.No.73118 of 2020.

For Appellant : Mr.C.Muthukumaraswamy
Party – in – person

JUDGMENT

(Delivered by *PARESH UPADHYAY, J.*)

1. Challenge in this appeal is made to the order dated
03.03.2021 recorded on W.P.Sr.No.73118 of 2020. This appeal is



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by the writ petitioner.

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2. A retired employee / officer, who after retirement has opted to become an advocate, filed this petition. He is heard in-person.

3. The order under challenge, reads as under:-

"This matter is taken up for hearing today under the caption -for maintainability-.

2. Petitioner has filed this Petition seeking to quash the proceedings dated 23.04.2020 issued by the 1st Respondent vide OM No.1/1/2020-E-II(B) pertaining to freezing of DA & DR, and the subsequent proceedings issued by the 2nd Respondent vide R.B. Letter No.PC-VII/2016/1/7/2/3, dated 27.04.2020 and for a further direction to the Respondents not to freeze DA & DR and ensure to grant DA & DR.

3. The Registry of this Court, after scrutinizing the case papers, has returned the same to the Petitioner,



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seeking the following clarification:

"It may be stated how the Writ Petition is maintainable under Article 226 of the Constitution of India, since the Petitioner-in-Person is a retired Railway Employee, relating to Central Government Service, it may be filed before appropriate Forum (Central Administrative Tribunal)."

4. Pursuant thereto, learned counsel for the petitioner has re-presented the case papers vide Letter dated 01.09.2020, expressing urgency in the matter.

5. Still, the Registry entertained doubts on the maintainability of the Petition and hence, posted it before this Court for hearing today.

6. Heard the Petitioner/Party-in-Person, who reiterated the same stand that was stated in his endorsement, while re-presenting the papers.

7. Service matters pertaining to



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Railway Department come under the purview of the Central Administrative Tribunal as per the Notification issued by the Central Government vide Sl.No.32 and therefore, this Court cannot usurp the jurisdiction of the Central Administrative Tribunal.

8. Hence, this Petition is dismissed as not maintainable, as it is devoid of merits. The objection raised by the Registry is upheld and the case papers shall be returned to the Petitioner/Party-in-Person."

4. The writ petitioner has attempted to address the Court by contending that, powers under Article 226 of the Constitution of India are so wide that, though alternative remedy may be available, even if it is statutory, the writ petition could have been entertained. Some of the decisions are also referred by him in support of this contention. It is submitted by him that, this appeal be entertained and the petition be directed to be numbered and the same be considered on merits by learned Single Judge, as per Roster.

5. Having heard the petitioner and after going through the



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the order passed by learned Single Judge which is quoted above, we find that, the only point for consideration in this appeal is, whether the decision by learned Single Judge that - *the cause of action in the writ petition is such, which is covered by the subjects assigned to Central Administrative Tribunal and therefore it would be prudent to ask the petitioner to approach the said forum* – can be said to be an error.

6. We find that, the above decision can not be said to be an error, which may call for any interference under Clause 15 of Letters Patent. This appeal therefore needs to be dismissed. We also note that, the writ petitioner, being a senior citizen, is permitted by us to address the Court - the way he desires. He has addressed at length. What is not relevant for the point at issue is not reflected in this order.

7. This writ appeal is dismissed. No costs.

(P.U., J) (V.B.S., J)
01.08.2022

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To:

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