

Vikram Singh

Vs

Union of India and Others

Civil Appeal Nos. 3202-03 of 1989

(K. Jagannatha Shetty, V. Ramaswami II JJ)

10.04.1990

ORDER

1. Shri Vikram Singh was an employee of the Indian Railway Conference Association ("IRCA"). He was dismissed from service. Challenging the dismissal, he made a petition to the Central Administrative Tribunal. The Tribunal rejected the petition on the ground of maintainability. It has held that IRCA is not a department of the Railway and is an association governed by a separate set of rules and, therefore the Tribunal has no jurisdiction to entertain the petition.
2. The decision of the Tribunal has called into question in these appeals.
3. The facts are not in dispute. IRCA is not an organisation independent of the Railway Administration. Indeed it is a part of the Railway Administration. That in effect is the report of the Public Accounts Committee, 1960-61 of the Second Lok Sabha. The report clearly states : "although the designation 'Indian Railway Conference Association' implies as though it was a body independent of the government, it is not so, because for all practical purposes it functions under the Railway Board. It is only to retain its identity and independent character which has got great value in practical working that the designation and manner of its functioning has been retained."
4. We see no reason why we should not accept that finding which has gone into the functioning of the IRCA in greater detail. It is also not disputed by counsel for the Railways that IRCA is still under the control and supervision of the Railway Board.
5. We therefore, see no reason to uphold the view taken by the Tribunal. We accordingly allow the appeals, set aside the order of the Tribunal with a direction to restore the appeal and dispose of it on merits and in accordance with law.
6. Parties may appear before the Tribunal to receive further direction on May 2, 1990. In the circumstances of the case, we make no order as to costs.

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