

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 721/2001
MA NO. 2534/2001

New Delhi, this the 4th day of December, 2001

HON'BLE SH. V.K.MAJOTRA, MEMBER (A)
HON'BLE SH. KULDIP SINGH, MEMBER (J)

1. Association of Indian Foreign Language Teachers
Through the General Secretary,
Dr. Y.C. Bhatnagar, 108, Transit House,
New Campus, J.N.U., New Delhi- 110067.
2. Gulab Bhati
111/G, Ward No.9, Near MCD School
Kishangarh, Vasant Kunj,
New Delhi-110070. ...Applicant

(None)

Versus

1. Union of India
Through the Secretary
Ministry of Human Resource Development
(Department of Secondary Education & Higher Education)
Shastri Bhavan, New Delhi.
2. Union of Public Service Commission
Through the Secretary,
Dholpur House, Shahjahan Road,
New Delhi-110011.
3. Union of India
Through the Director
Central Hindi Directorate
Ministry of Human Resource Development
(Department of Secondary Education and Higher Education)
West Block-7, R.K. Puram, New Delhi-110066.
4. Union of India
Through the Chairman
Commissieon for Scientific and Technical Terminology
Ministry of Human Resource Development
(Department of Secondary Education and Higher Education)
West Block-7, R.K. Puram, New Delhi-110066.
5. Union of India
Through the Secretary
Ministry of Personnel, Public Grievances and Pension
North Block-I, New Delhi-110001.
6. Union of India
Through the Secretary
Ministry of Law, Justice and Company Affairs
Shastri Bhawan, New Delhi-110001.

...Respondents

(By Advocate: Sh. A.K.Bhardwaj for Resp.1, 3 to 6
Sh. K.R.Sachdeva for Resp. 2).

O R D E R (ORAL)

Vb

By Sh. V.K.Majotra, Member (A)

On 13.11.2001 Sh. Bhardwaj, learned counsel for respondents contended that this OA was not maintainable as the applicants No.1 Association of Indian Foreign Language Teachers is not contesting the present petition for the benefit of any particular person. He also relied on Rule 4 (5)(b) of the CAT (Procedure) Rules, 1987 which reads as follows:

"Such permission may also be granted to an Association representing the persons desirous of joining in a single application provided, however, that the application shall disclose the class/grade/categories or persons on whose behalf it has been filed also provided that at least one affected person joins such an application."

2. He has mentioned that applicants have sought quashing of advertisement No.19 dated 10.10.98 published by U.P.S.C. for recruitment for the post of Director, Central Hindi Directorate and Memo dated 14.1.20001 in respect of illegal appointment of Director, CHD. Applicants have also sought declaration on the appointment of Director Resp.3 as illegal and void. Learned counsel stated that the applicants having not sought any relief either in person or for any group of persons, this OA is in the nature of a public interest litigation and is, therefore, not maintainable before this Tribunal.

3. Learned counsel of the applicant Sh. Ranbir Yadav had stated on the objection raised by Sh. Bhardwaj that he needed time to respond to the objection raised. On the next two hearings dated 23.11.2001 and 28.11.2001 the learned counsel of the applicant remained absent and was represented through a proxy counsel. On 28.11.2001 the applicants were given last opportunity to respond to the objections raised by

respondents. Today the learned counsel of the applicant has remained absent. We have proceeded for adjudication in the matter in terms of Rule 15 of CAT (Procedure) Rules, 1987.

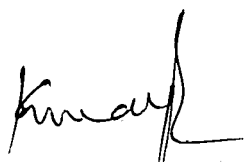
4. Sh. Bhardwaj reiterated the objections made by him. Sh. Sachdeva, learned counsel by Resp.2, i.e., U.P.S.C. endorsed the objections raised by Sh. Bhardwaj and relied on the judgment in 1991 (1) SC SLJ 205 Dr. Duryodhan Sahu & Others vs. Jitendra Kumar Mishra & Others. The Hon'ble Supreme Court had held therein as follows:

"The constitution of Administrative Tribunals was necessitated because of large pendency of cases relating to service matters in various Courts in the country. It was expected that the setting up of Administrative Tribunals to deal exclusively in service matters would go a long way in not only reducing the burden of the Courts but also provide to the persons covered by the Tribunals speedy relief in respect of their grievances. The basic idea as evident from the various provisions of the Act is that the Tribunal should quickly redress the grievances in relation to service matters. The definition of 'service matters' found in Section 3 (q) shows that in relation to a person the expression means all service matters relating to the conditions of his service. The significance of the word 'his' cannot be ignored. Section 3 (b) defines the word 'application' as an application made under Section 19. The latter Section refers to 'person aggrieved'. In order to bring a matter before the Tribunal, an application has to be made and the same can be made only by a person aggrieved by an order pertaining to any matter within the jurisdiction of the Tribunal. We have already seen that the word 'order' has been defined in the explanation to sub-sec. 91) of Section 19 so that all matters referred to in Section 3 (q) as service matters could be brought before the Tribunal. If in that context, Sections 14 and 15 are read, there is no doubt that a total stranger to the concerned service cannot make an application before the Tribunal. If in that context, Sections 14 and 15 are read, there is no doubt that a total stranger to the concerned service cannot make an application before the Tribunal. If public interest litigations as the instance of strangers are allowed to be entertained by the Tribunal the very object of speedy disposal of service matters would get defeated."

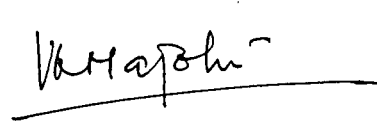
h

5. The decision of the Hon'ble Supreme Court, as described above, is squarely applicable to the matter herein. The applicants have themselves stated in the OA that Applicant No.1 Association is not contesting the present petition for benefit of any particular person. In the light of the provisions contained in Rule 4 (5) (b) ibid and the ratio of Hon'ble Supreme Court judgment cited above, the present OA is certainly not maintainable and is accordingly dismissed.

No costs.


(KULDIP SINGH)
Member (J)

'sd'


(V.K. MAJOTRA)
Member (A)