

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP 19/2002 in
OA 614/2001
MA 1280/2002
MA 1576/2002

New Delhi this the 27th day of August, 2002

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S.A.T.Rizvi, Member (A)

Majeti Shankar Kumar
Upper Division Clerk
Dept. of Science and Technology
Ministry of Science and
Technology, Technology Bhawan,
New Mehrauli Road, New Delhi

... petitioner

(Petitioner present in person)

Versus

Shri S.K.Gupta
the Secretary
Technology Development Board
Dept. of Science and Technology
New Mehrauli Road, New Delhi.

... Respondent

(By Advocate Shri H.K.Gangwani)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)

we have heard applicant and Shri H.K.Gangwani,
learned counsel for the respondents (applicants) in
MA 1280/2002 and MA 1576/2002.

2. By the aforesaid MA 1280/2002, the respondents
have prayed for re-call of the Tribunal's order dated
19.3.2001. In Paragraph 2 of the MA, the submissions
have been made by the respondents, inter alia, that the
aforesaid order of the Tribunal is bad in law and without
jurisdiction as no Notification has been issued by the
Nodal Ministry under Section 14(2) of the Administrative
Tribunals Act, 1985, to bring the Organisation, namely,
Technology Development Board (TDB) which is a statutory

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organisation set up under the TDB Act, 1995 within the jurisdiction of this Tribunal. The applicant has confirmed that the factual position submitted by Shri H.K.Gangwani, learned counsel is correct in so far the Constitution of ^{as} TDB, a statutory body is concerned. In this view of the matter, we find merit in the submissions made by the learned counsel for the respondents and in the averments made in MA 1280/2002, as the order passed by the Tribunal dated 19.3.2001 in OA 614/2001 could not have been passed, as the Tribunal has no jurisdiction in the matter.

3. In the above facts and circumstances of the case, MA 1280/2002 is allowed re-calling the order dated 19.3.2001 in OA 614/2001.

4. We have also considered MA 1576/2002 which has been filed by the respondents praying for condonation of delay in filing the above MA. In view of the position of law as mentioned above, as this Tribunal does not have any jurisdiction in the matter, we consider it appropriate to condone the delay in this case and accordingly that MA is also allowed condoning the delay, having regard to the merits of the case brought out in MA 1280/2002.

5. In view of the above order, CP 19/2002 is also discharged as the original order has been recalled.

6. Registry to return extra copies of OA 614/2001 after retaining one set for record purposes to enable the applicant to proceed in the matter in accordance with law, if so advised, in the appropriate forum.


(S) A.T. Rizvi
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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