

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 1727 /99

Date of Decision: -1998
10.9.99.

Shri Ajveer Singh

...Applicant

(By Advocate Shri B.S. Jain)

Versus

Union of India & Ors.

...Respondents

(By Advocate Shri Rajinder Nischal)

CORAM:

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC(J)

HON'BLE ~~SHRI~~ MRS. SHANTA SHASTRY, MEMBER (A)

1. TO BE REFERRED TO THE REPORTER OR NOT? YES
2. WHETHER IT NEEDS TO BE CIRCULATED TO OTHER BENCHES OF THE TRIBUNAL?

CAR
(V. Rajagopala Reddy)
Vice-Chairman (J)

Cases referred:

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1727/99

New Delhi this the 10th day of September, 1999.HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE-CHARIMAN (J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)Shri Ajveer Singh,
S/o Shri Indra Pal Singh,
R/o RZ-D-65, Pratap Garden,
Uttam Nagar,
New Delhi.

...Applicant

(By Advocate Shri B.S. Jain)

-Versus-

1. Union of India through
the Secretary,
Deptt. of Public Enterprises,
Ministry of Industry,
14, CGO Complex, Lodhi Road,
New Delhi.2. The Secretary,
Ministry of Industry,
Udyog Bhawan,
New Delhi.3. Member Secretary,
Disinvestment Commission,
Deptt. of Public Enterprises,
Trikoort-I, IInd Floor,
Bhikaji Cama Place, R.K. Puram,
New Delhi.

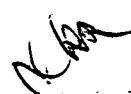
...Respondents

(By Advocate Shri Rajinder Nischal)

ORDERBy Reddy, J.

The applicant seeks for grant of temporary status and regularisation as peon in the office of the ^aChairman, Disinvestment Commission.

2. It is the case of the applicant that he was appointed during 1997 as a daily rated worker by respondent No.3. He has been working continuously. He was subsequently appointed as peon on consolidated salary w.e.f. 17.6.99. The applicant has been requesting the respondents for granting temporary



status and for regularisation. As the request has not been acceded to by the respondents, the applicant filed the present OA.

3. The learned counsel for the respondents raises the question of jurisdiction of the Tribunal. It is contended that the applicant is not a civil servant as he is neither in the service of the Government of India nor is he holding the post in the Government of India. It is also contended that no notification was issued bringing the Commission within the jurisdiction of the Tribunal. The learned counsel for the applicant refutes the contention and submits that the applicant is a Government servant as the Commission is part of the Government.

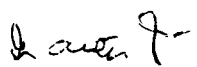
4. To answer the objection, as to the jurisdiction of the Tribunal, it is necessary to examine the constitution and the nature of functions of the respondent Disinvestment Commission. The learned counsel for the respondents filed the resolution under which Disinvestment Commission has been formed. By way of resolution dated 23.8.96 the Ministry of Industry constituted, in pursuance of the common minimum programme of the United Front Government, a Public Sector Disinvestment Commission, for a period of three years. The composition of the Commission reveals that there is one full time Chairman and four part time Members. The broad terms of reference of the Commission includes, inter alia, to draw a comprehensive overall long term disinvestment programme within five to ten years for the PSUs and to prioritise the PSUs in terms of the

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overall disinvestment programme. Paragraph 4 of the resolution clearly states that the Commission will act as an advisory body to the Government.

5. The jurisdiction, powers and authority of the Central Administrative Tribunal are dealt with under Section 14 of the Administrative Tribunals Act, 1985 (for short, Act). The applicant being a servant of the Commission which is an independent advisory body to the Government, cannot be called a civil servant or holding a civil post under the Union. He is neither appointed by the Government nor is removed by the Government. He was appointed by the Chairman of the Commission and his appointment is co-terminus with that of the Chairman. The term of the Commission is for a period of three years and it appears that its term was extended only by three months. In view of the above features, we are not convinced that the applicant can be called a civil servant. It is also not the case of the applicant that the Disinvestment Commission has been brought under the jurisdiction of the Tribunal by way of notification under Section 14 (11) of the Act.

6. In the circumstances, we do not have any hesitation in holding that the Tribunal has no jurisdiction to entertain the OA. The OA is accordingly dismissed, in the circumstances no costs.


(Smt. Shanta Shastry)
Member (A)


(V. Rajagopala Reddy)
Vice-Chairman(J)

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