

(15)

Central Administrative Tribunal
Principal Bench

New Delhi, dated this the 5th August, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)

O.A. No. 1641 of 1998

S/Shri

1. Jai Singh,
S/o Shri Ram Mehra,
R/o Samarpur Khalsa,
P.O. Ujwa,
New Delhi-110073
2. Anil Kumar,
S/o Shri Dharam Singh,
R/o Samarpur Khalsa,
P.O. Ujwa,
New Delhi-73.
3. Dharam Pal,
R/o Samarpur Khalsa,
P.O. Ujwa, New Delhi.
4. Pradeep Kumar,
S/o Shri Chand Ram,
R/o Samarpur Khalsa,
P.O. Ujwa,
New Delhi-110073.

.... Applicants

(By Advocate: Shri B.K. Sinha)

Versus

Government of NCT of Delhi
through the Director, Delhi
Energy Development Agency,
37-Tughlakabad Institutional
Area, New Delhi.

.... Respondents

(None appeared)

O.A. No. 1766 of 1998

S/Shri

1. Satender Singh,
S/o Vikram Singh,
R/o W.F. 95, Gali No.15,
Shakarpur,
Delhi-110092.
2. Rajender Kumar,
S/o Shri Ram Pal Singh,
R/o C-114, Matwali Gali,
Johripur, Delhi-110094.

3. Krishna Kumar,
S/o Shri Parsuram,
R/o F-42, Sector 4,
Pushp Vihar,
New Delhi.
4. Sachin Kumar,
S/o Shri Jagdev Singh,
R/o F.42, Sector 4,
Pushp Vihar,
New Delhi.
5. Ramesh Kumar,
S/o Lahana Singh,
R/o Vill. Kurar,
Dist. Shahanipur,
Haryana. ... Applicants

(By Advocate: Shri B.K. Sinha)

Versus

1. Govt. of NCT of Delhi
through the Chief Secretary,
5, Sham Nath Marg,
Delhi-110054.
2. The Director,
Delhi Engery Development Agency,
37, Tughlakabad,
New Delhi. ... Respondents

(None appeared)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

As these two O.As involve common question of law and fact they are being disposed of by this common order.

2. In both O.As applicants who were serving in Delhi Energy Development Agency seek a direction to Respondents to reinstate them and thereafter to regularise them. A prayer for equal pay for equal work has also been made.

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3. I have heard applicants' counsel Shri Sinha. None appeared for respondents even on the second call.

4. Respondents have filed their reply, in which they have taken the preliminary objection, that the Tribunal has no jurisdiction to entertain these two O.As as Respondent No.2 against whom the relief has been sought. is a Society registered under the Societies Registration Act. It is also submitted that even otherwise, in the matter of employees similarly situated the Delhi High Court has held that the grievance if any should be redressed before the Industrial Disputes Tribunal.

5. My attention has been drawn to the Delhi High Order dated 3.12.98 in CWP-2536/97 Kanwar Singh & Others Vs. Govt. of NCT, Delhi & Anr. In that CWP, the Delhi Energy Development Agency figures as R.2.

6. The aforesaid order dated 3.12.98 is extracted below:

"The proper remedy for the petitioners is to raise an industrial dispute under the Industrial Disputes Act, 1947.

Reserving the right of the petitioner to raise an industrial dispute under the Industrial Disputes Act, 1947, the writ petition is dismissed.

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It shall be open to the petitioners to urge all points raised in this writ petition and any other points available in law."

7. In the light of the aforesaid order dated 3.12.98, manifestly the CAT, has no jurisdiction to entertain the aforesaid two O.As.

8. Shri Sinha, however, argues that despite this aforesaid order dated 3.12.98 the CAT has jurisdiction to entertain these two O.As and in this connection relies upon the Hon'ble Supreme Court ruling in Union of India & Others Vs. S. Mukherjee 1998 (3) SC 540.

9. A bare perusal of the aforesaid order in S. Mukherjee's case (Supra) makes it clear that the issue was entirely different and the question whether the CAT has jurisdiction to entertain applications from the employees of the Delhi Energy Development Agency, without a proper Notification under Section 14, A.T. Act was nowhere in dispute in that case. Under the circumstances, the ruling in S. Mukherjee's case (Supra) does not advance applicants' case in these two O.As before me.

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10. Under the circumstances both O.As are dismissed with liberty granted to applicants to approach the competent forum for redressal of their grievance in accordance with law if so advised. No costs.

11. After the above orders were dictated in open Court Shri Sushil Salwan for R-2 appeared.

12. Let a copy of this order be placed in each case record.

(S.R. Adige)
Vice Chairman (A)

/GK/

Attested copy

M. W. S.
Court Officer

Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg,
New Delhi-110001