

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA NO. 2104/98

New Delhi, this the 22nd day of August, 2000

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)  
HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Sh. Hukam Chand,  
(Removed Lab. Asstt.)  
S/o Sh. Mohan Lal Sharma,  
R/o 2-B, Nathu Colony,  
Delhi. .... Applicant  
(By Advocate: Sh. S.D. Sharma)

VS.

1. Union of India  
through Secretary,  
H.R.D. New Delhi.
2. Kendriya Vidyalaya Sangathan,  
18 Institutional Area,  
Sheed Jeet Singh Marg,  
New Delhi  
through its Dy. Commissioner.
3. Asstt. Commissioner,  
Kendriya Vidyalaya Sangathan,  
Dehradun Region,  
Salwala Hathi Barkala,  
Dehradun.
4. Principal,  
Kendriya Vidyalaya,  
Sikh Lines,  
Meerut Cantt.  
(By Advocate: Sh. S. Rajappa)

ORDER (ORAL)

By Mr. Justice V. Rajagopala Reddy,

The applicant, who was working as Laboratory Assistant with the Kendriya Vidyalaya Sangathan (KVS, for short) was removed from service vide impugned order dated 6.2.97. aggrieved by the said order, the present OA is filed. ~

2. The case was initially admitted and the matter was taken up for final hearing. At that stage the counsel for respondents has taken the objection that the Tribunal has no jurisdiction to entertain the OA as Kendriya Vidyalaya

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Sangathan which is a society registered under the Societies Registration Act had not been notified under Section 14 (2) under the AT Act when the OA was filed, though it was modified w.e.f. 1.9.99. It is contended by the learned counsel for respondents that the applicant being not a civil servant unless it was notified under Section 14 (2) of the Act conferring jurisdiction upon the Tribunal to entertain the disputes of the employees of the KVS, the Tribunal was not right to admit the OA.

3. Learned counsel for the applicant, however, submits that on this objection has not been taken in the counter of the respondents the counsel should not be allowed to raise this objection particularly at this stage when the OA was admitted. Counsel for applicant also relies upon the Single Member judgment of the Tribunal in Smt. Lilawati Vs. Union of India, OA-2324/96.

4. Section 14 of the AT Act deals with the jurisdiction of the Tribunal. Sub-Section 2 of Section 14 enables the Central Government by a notification to apply the provisions of Sub-Section 3 regarding the matters of recruitment etc. of the servants of societies and local or other authorities under the control of the Government of India. It is not in dispute that Resp. No.2 is a society registered under the Societies Registration Act. Unless the society is notified under the provisions of sub-Section 2 the Tribunal will not have any jurisdiction to entertain the disputes of the employees of Resp.2. In Jagdish Prasad Vs. Union of India 1986 ATC 789 and Bal Krishan & Others Vs. Kendriya Vidyalaya Sangathan 1986 ATC 37 division bench of the CAT (PB) held that in the absence of notification under Section 14 (2) the Tribunal will not have jurisdiction to entertain the disputes of the

employees of the KVS. Lilawati's case relied upon by the applicant is a Single Member judgment of the Principal Bench. It held that irrespective of the fact whether any society has been notified under Section 14 (2), the Tribunal will have jurisdiction to entertain a petition as the Tribunal could entertain a dispute of employees of all the local authorities within the territory of India or societies owned or controlled by the Government of India. In coming to this position the Tribunal has relied upon the division bench in OA-493/97 dated 14.4.97. It is seen that the question whether the Tribunal has jurisdiction in respect of the employees of the KVS has not come up for discussion in this OA nor in division bench judgment in OA-493/97 and hence it cannot be said ~~the~~ decision squarely <sup>is</sup> on the point raised in this OA. We are of the view that this Tribunal had no jurisdiction to entertain any dispute with regard to the employees of the KVS.

5. It is true that KVS has been notified on notification dated 17.12.99 which came into effect on 1.9.99 and that this OA has been filed on 27.10.98. Hence, it should be held that on the relevant date the Tribunal had no jurisdiction merely on the ground that the OA was already admitted it would not confer any jurisdiction on the Tribunal to entertain the case when it had no jurisdiction under the provisions of the AT Act. It is unfortunate that this objection was not taken when the reply was filed to the OA. However, since the objection goes to the root of the matter this objection could be entertained at this stage. In the circumstances, the OA returned for proper presentation.

( GOVINDAN S. TAMPI )  
Member (A)

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( V. RAJAGOPALA REDDY )  
Vice Chairman (J)