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(19)

Central Administrative Tribunal
Principal Bench

New Delhi, dated this the 29th February, 2000

HON BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON BLE MR. KULDIP SINGH, MEMBER (J)

1. O.A. No. 2311 of 1995

Shri Dinesh Tripathi,
S/o Shri J.N. Tripathi,
R/o C-46, Gujranwala Apartments,
J Block, Vikaspuri,
New Delhi-110018. .. Applicant

(By Advocate: Shri M.L.Chawla)

Versus

1. Lt. Governor, Delhi
through the Chief Secretary,
Delhi Administration,
Delhi-110005.
2. The Director,
Delhi Energy Development Agency,
NCT of Delhi,
37, Institutional Area,
Tughlakabad,
New Delhi-110062.
3. The Chairman-cum-Development Commissioner,
Delhi Energy Development Agency,
Transport Authority,
5/9, Underhill Road,
Delhi-110007. .. Respondents

(By Advocate: Mrs. Meera Chhibber)

2. O.A. No. 1954 of 1995

Shri Ravi Tripathi,
S/o Shri J.N.Tripathi,
R/o C-46, Gujranwala Apartments,
J Block, Vikaspuri,
New Delhi-110018. .. Applicant

(By Advocate: Shri M.L.Chawla)

Versus

1. Lt. Governor, Delhi
through the Chief Secretary,
NCT of Delhi, Delhi. .. Respondents

(By Advocate: Mrs. Meera Chhibber)

ORDER

HON BLE MR. S.R. ADIGE

As these two OAs involve common questions of law

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and fact, they are being disposed of by this common order.

2. Applicants challenge respondents' orders terminating their services. They seek reinstatement, grant of temporary status and regularisation with consequential benefits.

3. Admittedly applicants were engaged by Delhi Energy Development Agency, which is a society registered under the Societies Registration Act (Annexure-A-I and A-II) and is not a Govt. Department. Respondents are therefore correct when they state that the employees of the agency are not Govt. servants and are not employees of Delhi Administration and hence their grievance cannot be adjudicated by the Tribunal. Applicants' counsel has not shown us any notification issued under Section 14(2) AT Act bringing DEDA within the Tribunal's jurisdiction.

4. Applicants' counsel Shri Chawla has argued that DEDA is in effect a part and parcel of the Govt. of NCT of Delhi as its aims and objects are to implement Govt. policy and all the Members of its governing Body are drawn from amongst Govt. officers. Hence he argues that the Tribunal has jurisdiction in these 2 OAs. In this connection he places reliance on the Hon'ble Supreme Court's judgment in the case of Hussain Bhai Vs. Alath Factory Tezhilali Union AIR 1978 SC 1410.

5. We are unable to agree with Shri Chawla's contentions. It is clear that DEDA is a Society registered under the Societies Registration Act and Section 14 AT Act. It is clear that unless such a Registered Society is notified,

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it does not come within the Tribunal's jurisdiction. In these circumstances, the ruling in Hussain Bhai's case (supra) does not advance applicants' case.

6. Shri Chaula had sought for and had been granted further time to furnish addl. material to support his contentions, but although sufficient time has been granted to him, no such materials have been furnished to satisfy us that despite no notification having been issued, the Tribunal still has jurisdiction to adjudicate this dispute invoking a Registered Society.

7. The OAs are therefore dismissed for lack of jurisdiction leaving it open to applicants to agitate their claims before the appropriate forum in accordance with law, if so advised. No costs.

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

(KULDIP SINGH)
MEMBER(J)

(S.R. ADIGE)/
VICE CHAIRMAN (A)

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Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faisl Kot House,
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New Delhi 110001