

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.No. 1144/1995

New Delhi this the **28**th Day of September, 1995

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

Hon'ble Shri R.K. Ahooja, Member (A)

Anand Prakash Sharma,
S/o Shri Bhagwan Sharma,
Steno-cum-Typist,
in N.C.W.,
4 Deen Dayal Upadhyay Marg.
New Delhi-110 002.

R/o 154 Nimri Colony,
Delhi Administration Awas,
Ashok Vihar, Phase IV,
Delhi-110 052. Applicant

(By Advocate: Shri R.S. Sharma)

Vs

1. Chairman,
National Commission for Women,
Govt. of India,
4 Deen Dayal Upadhyay Marg,
New Delhi-110 002.
2. Secretary,
C/o Women & Child Development
M/o Human Resource Dev.,
Room No. 601, 'A' Wing,
Shastri Bhawan,
New Delhi.
3. Member-Secretary,
(Ms. Annie Prasad)
4 Deen Dayal Upadhyay Marg,
New Delhi-110 002.

(Sh. D.M. Sudan, Advocate)

Hon'ble Shri A.V. Haridasan, Vice Chairman (J)

The applicant who has been engaged as a Hindi
Stenographer on daily wages from 15.11.1993 for 590 days
and who was getting a daily wage of Rs. 90/- per day was
informed by the order dated 15.6.1995 (Annexure A-1) that
his service would not be required any longer after
30.6.1995 by his employer, the National Commission for

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Women. It is aggrieved by that that the applicant has filed this application for quashing this order and for a direction to respondents to continue him in service and to regularise him in service

2. The application was admitted without notice to the respondents. However, on notice being issued to the respondents after admission, the respondents have filed a reply statement opposing the prayer made in the Original Application. The respondents contended that the Commission not being a department of the Govt. of India but a separate statutory authority created under the National Commission for Women Act 1990 and as the authority has not been notified under Section 14(2) of the A.T. Act, the Tribunal has no jurisdiction to entertain the application. On merits the respondents contended that the applicant was engaged to meet the urgent requirement and as the work is no more there it is not feasible for the respondents either to engage him or to regularise him in service

3. We have heard the learned counsel of the applicant Shri R.S. Sharma and Shri M.M. Sudan, the learned counsel of the respondents. The applicant has annexed a copy of the National Commission For Women Act, 1990 (Act No. 20 of 1990). It is evident from the Act that the Commission was created by the Central Government in exercise of the powers conferred on it under Section 3 of the National Commission for Women Act, 1990. Section 5 of the Act reads as follows:

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"Officers and other employees of the Commission. - The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act".

It is evident from the above quoted Section 5 that the staff necessary for purpose of the function of the Commission are to be provided by the Central Government but we could not find any provision which empowered the Commission to appoint any staff. The applicant was not a Member of the Staff provided by the Central Government. Whether the employees provided by the Central Government and deployed for work in the Commission could be treated as deputationists is ~~was~~ not clear from the Scheme of the Act. However, in the case of the applicant the applicant was not appointed by the Government of India but was engaged only by the Secretary of the Commission. The Commission is a Statutory body and not a department of the Government.

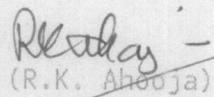
4. This Tribunal can entertain application in regard to the grievance arising out of service matters of employees under Statutory or other authorities or Corporations only if the Corporation or authority is notified under Section 14(2) of the Administrative Tribunal Act. As no such notification has been issued in

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the case of the National Commission for Women this Tribunal has no jurisdiction to entertain this application.

5. In the light of what is stated above, finding that this Tribunal has no jurisdiction to entertain this application the application is rejected. The applicant may approach the appropriate competent forum for redressal of his grievances.


(R.K. Ahuja)

Member (A)


(A.V. Haridasan)

Vice Chairman (J)

Mittal