

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

PLA. No. 1581 of 1996

New Delhi, dated this the 11th ~~February~~, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Jugal Kishore,
S/o Shri Dambar Singh,
Ex-Pecn,
Board of Ayurvedic & Unani
Systems of Medicine,
Delhi Administration,
R/o B-27/2-A, P&T Quarters,
Kali Bari Marg,
New Delhi-110001. ... APPLICANT

(BY Advocate: Shri G.D. Ehandari)

VERSUS

1. Govt. of NCT, Delhi
through the Secretary (Medical),
5, Shamnath Marg,
Delhi.
2. The Director of Health Services,
Govt. of NCT, Delhi,
Saraswati Bhawan,
Connaught Place,
New Delhi-110001.
3. The President,
Board of Ayurvedic & Unani
Systems of Medicine,
Delhi Administration,
12-13, Northend Complex,
R.K. Ashram Marg,
New Delhi-110001. ... RESPONDENTS

(By Advocate: Shri G.S. Lobana)

JUDGMENT

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

Heard on the preliminary objection
raised by respondents' counsel on the
Tribunal's jurisdiction to adjudicate the
case.

2. Section 2(l) read with Sec. 3 East
Punjab Ayurvedic and Unani Practitioners Act,
1949 as extended to U.T. of Delhi clearly

states that Board of Ayurvedic and Unani Systems of Medicine, U.T. of Delhi is a Body Corporate having perpetual succession and a common seal with power to acquire and hold property both movable and immovable and shall by the said name sue and be sued. It is thus a legal entity distinct and separate from the Govt. of U.T. of Delhi and no notification u/s 14(2) A.T. Act has been furnished by applicant to show that it has come within the Tribunal's jurisdiction.

3. In O.A. No. 1025/91 Kanwar Singh vs. Delhi Admn. decided on 17.9.91 the C.A.T., Principal Bench held that the Examining Body for Ayurvedic and Unani Medicine under the said Act which is covered under Sec. 31A of the above Act is a separate legal entity and does not come within the Tribunal's jurisdiction notwithstanding the fact it is under the administrative control of Delhi Administration.

4. Despite Shri Bhandari's efforts to persuade us to the contrary, we hold that the ratio in Kanwar Singh's case is fully applicable to the facts of the present case also and under the circumstance the preliminary objection raised by respondents' counsel is sustained, and we hold that we hold that we have no jurisdiction to adjudicate this matter. The present O.A. therefore is not maintainable.

5. Registry may return the papers to the applicant for presenting the same before the appropriate legal forum for seeking redressal of his grievances if so advised.

A. Vedavalli
(DR. A. VEDAVALLI)
Member (J)
/GK/

S. R. Adige
(S. R. ADIGE)
Member (A)