

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.1952/1996

2

Tuesday this the 29th day of October, 1996.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN

HON'BLE MR. R.K. AHOOJA, ADMINISTRATIVE MEMBER :

1. CPWD Graduate Engineers Association
Central Public Works Department
through B.M.Singhal, General Secy,
Executive Engineer, CPWD,
R/o C.II/158, Yamuna Vihar
Delhi-110 053.
2. Shri Santosh Km.Jain, S/o Sh.Ram Singh Jain
R/o 4/1532, Bhola Nath Nagar,
Shahadra, Delhi. Applicants

(By Advocate Mr. Sohan Lal)

Vs.

1. Union of India through its
Secretary, Ministry of Urban Development,
Nirman Bhawan, New Delhi-110 011.
2. Secretary, Ministry of Personnel,
Public Grievances & Pension
Deptt. of Personnel & Training
Govt. of India, North Block,
New Delhi.
3. Director-General of Works,
CPWD, Nirman Bhawan,
New Delhi-110 011. Respondents

The application having been heard on 29.10.1996
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), CHAIRMAN

Applicants, an Association of Engineers,
and a Member thereof seek a direction to respondents
to "recognise the Central Public Works Graduate
Engineers Association" in terms of Central Civil
Services (Recognition of Service Associations)
Rules, 1993. According to applicants a service
right is involved and this Tribunal would have

contd....

3

jurisdiction. Applicants submit that they get an enforceable right under Article 309 of the Constitution. According to us, matters relating to recognition of Unions is a matter directly falling under Article 19 of the Constitution. Article 19(1)(c) guarantees the right:

"to form Associations or Unions."

When there is a provision directly dealing with the subject matter, it is difficult to take recourse to Article 309 assuming it were possible. We would also refer to Sections 3(q), 14 and 19 of the Administrative Tribunals Act, 1985. These provisions convey the impression that service rights enure to an "individual", a "person", a "member of a service" and not to a body of men or association. We do not think that applicants have any legally enforceable vested right in a matter pertaining to a condition of service, to be enforced before this Tribunal. In Indian National NGO's & Others Vs. Ministry of Defence and others, 1992(21) ATC 261 (FB) a Full Bench of this Tribunal took the view that:

"granting recognition and facility accorded to Trade Unions....are not service matters as defined in Section 3(q) of the Act and therefore do not fall within the jurisdiction of the Tribunal."

In our view applicants have no legally enforceable right relating to condition of service. If at all

contd...

(A)

this is a matter in the jurisdiction of other fora.

2. Application is dismissed. No costs.

Dated the 29th October, 1996.

R. K. Arooja
R.K. AROOJA
ADMINISTRATIVE MEMBER

Chettur Sankaran Nair
CHETTUR SANKARAN NAIR(J)
CHAIRMAN

ks.