

Central Administrative Tribunal
Principal Bench, New Delhi.

OA No. 2336/96

New Delhi, this the 3rd day of **March**, 1997

(10)

Hon'ble Dr. Jose P. Verghese, Vice-Chairman
Hon'ble Shri S.P. Biswas, Member (A)

1. Smt. Jagwati,
wd/o late Sh. Chet Ram,
r/o Staff Qr. No. 2-A,
Rajghat Samadhi,
New Delhi.
2. Shri Sunil Kumar,
r/o Qr. No. 2-A,
Rajghat Samadhi,
New Delhi.Applicants
(By Shri S.K.Bisaria,Advocate)

Versus

1. Union of India through
Secretary,
Ministry of Urban Development,
New Delhi.
2. Rajghat Samadhi Samiti,
through its Chairman,
Rajghat, New Delhi. ..Respondents
(By Sh. Gajraj Singh,Advocate)

O R D E R

By Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)--

This is a petition under Section 19 of
the Administrative Tribunals Act, 1985 and by this
petition the petitioner is seeking certain reliefs
against Rajghat Samadhi Samiti which is admittedly
a Statutory **Society**.

The jurisdiction of this Tribunal is
determined by Section 14 of the Act. Section 14 is
re-produced herebelow:-

"14. Jurisdiction, powers and authority
of the Central Administrative Tribunal -- (1) Save
as otherwise expressly provided in this Act; the
Central Administrative Tribunal shall exercise, on
and from the appointed day, all the jurisdiction,
powers and authority exercisable immediately before
that day by all courts (except the Supreme Court)
in relation to -- (a) recruitment, and matters

concerning recruitment, to any All India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) all service matters concerning --

(i) a member of any All India Service; or

(ii) a person [not being a member of an All India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any post under the Union; or

(iii) a civilian [not being a member of an All India Service or a person referred to in clause (a)] appointed to any defence services or a post connected with defence;

and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation [or society] owned or controlled by the Government;

(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation [or society] or other body, at the disposal of the Central Government for such appointment.

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations (or societies) owned or controlled by Government, not being a local or other authority or corporation (or society) controlled for owned by a State Government:

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation (or societies) all the jurisdiction, powers and authority exercisable immediately before that date by all courts [except the Supreme Court] in relation to --

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation [or society]; and

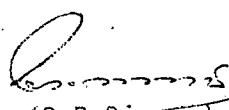
(2)

(b) all service matters concerning a person [other than a person referred to in clause (a) or clause (b) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation [or society] and pertaining to the service of such person in connection with such affairs."

It is made clear from the provision that the respondents' organization is a statutory body, even though is under the control of Central Government or run by the grant totally given by the Central Government, still this Tribunal will get jurisdiction only if the notification referred to in clause-(2) of Section 14 has been duly issued:

Counsel for the petitioner was unable to show relevant notification required to be issued in this case by the Central Government, and in the absence of the said notification, this Tribunal does not have the jurisdiction to issue any order or direction to respondent no.2.

In the circumstances, this petition is dismissed as not maintainable under Section 14 (II) of the Administrative Tribunals Act, 1995 without any order as to costs.



(S.P. Biswas)
Member (A)



(Dr. Jose P. Verghese)
Vice-Chairman (J)

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