

Central Administrative Tribunal, Principal Bench

R.A.No.2/97 in OA No.2140/96

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri K. Ramamoorthy, Member(A)

New Delhi, this 27th day of January, 1997

Shri Munaf A.
s/o late Shri Razack
8434, Aryanagar
Paharganj
New Delhi.

... Applicant

Vs.

Union of India through
Secretary
Ministry of Home Affairs
South Block
New Delhi.

.... Respondent

O R D E R (By Circulation)

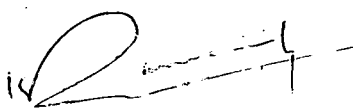
Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

The Review Application is directed against the order dated 7.10.1996 in OA No.2149/96. The applicant in that OA had challenged the constitutional validity of Rule 5 of Central Civil Services (Temporary Service) Rules, 1965 alleging the Rule to be arbitrary, irrational and in violation of Articles 14, 16, 19 and 21 of the Constitution of India. Since no relief for himself was sought by the applicant who is neither a Central Government Officer nor an Officer of any of the undertaking notified under the Administrative Tribunals Act, 1985 nor a prospective candidate for appointment to any post either of Government of India or any of the undertakings, it was held that the grievance put forth in the application did not come within the jurisdiction of this Tribunal. The Review Petitioner submits that the validity of the Administrative Tribunals Act, 1985 has been upheld by the Supreme Court excluding the jurisdiction of High Court in service matters, as per AIR, 1987 SC 386, Sampat Kumar Vs. Union of India & Others.

- 2 -

Hence, the conclusion in the impugned order that the Administrative Tribunals operate in limited jurisdiction and power with regard to the service matters of disputes is wrong. It is also contended that nowhere in the Administrative Tribunals Act or in the various judgments of the Hon'ble Supreme Court on the subject cited by the Petitioner the Tribunal is excluded from taking cognizance of public interest litigation in service matters.

2. We have carefully considered the contention of the Petitioner. We had concluded in the orders sought to be reviewed that the applicant not being either a Central Government Officer or an officer in any of the offices notified under the Act, etc, had no locus standi before the Tribunal under Section 19 of the Administrative Tribunals Act, which says "a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance". A person aggrieved means a person having an enforceable legal right which has been denied or violated. Existence of the right is thus a foundation for the exercise of the jurisdiction of Court. In public interest litigation there is no enforceable right as related to the applicant and hence Section 19 of the Administrative Tribunals Act, 1985 clearly limits the jurisdiction of the Tribunal in respect of such litigation. Therefore, we find nothing wrong in the impugned order. The Review Application is accordingly dismissed.


(K. RAMAMOORTHY)
MEMBER(A)


(A.V. HARIDASAN)
VICE-CHAIRMAN(J)