

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2465/94

New Delhi this the 17th day of August, 1999.

Hon'ble Smt. Lakshmi Swaminathan, Member(J)
Hon'ble Sh. N. Sahu, Member(A)

Sh. M. ChandraShekhar Rao,
S/o Sh. K.M. Rao,
R/o D-632, Sarawati Vihar,
Delhi-34. Applicant

(Present none)

versus

1. National Consumer Disputes Redressal Commission (under M/o Civil Supplies Consumer Affairs & Public Distribution) 5th Floor, A Wing, Janpath Bhawan, New Delhi-1.
2. Union of India through the Secretary, M/o Civil Supplies, Consumer Affairs & Public Distribution, Krishi Bhawan, New Delhi-1.
3. Union of India through M/o Water Resources, Shram Shakti Bhawan, New Delhi-1.
4. Shri R. Subba Rao, Registrar, M/o Water Resources, National Consumer Disputes Redressal Commission, 5th Floor, A Wing, Janpath Bhawan, New Delhi-1.
5. Sh. S. Jagannadha Rao, Asstt. Registrar, National Consumer Disputes Redressal Commission, 5th Floor, A Wing, Janpath Bhawan, New Delhi.
6. The Chief of the Naval Staff, Naval Headquarters, South Block, New Delhi.
7. The Flag Officer Commanding-in-Chief, Headquarters Eastern Naval Command, Vishakkapatnam, Andhra Pradesh.
8. The Joint Secretary (Trg.) & CAO, Ministry of Defence, C-II Hutments, New Delhi-11.

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9. Union of India through
the Secretary,
Deptt. of Personnel & Training,
North Block,
New Delhi.

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10. Union of India through
the Secretary,
Deptt. of Expenditure,
North Block,
New Delhi.

..... Respondents

(through Sh. P.H. Ramchandani, Sr. Counsel for
respondents No. 2 & 3 and Sh. A.K. Behera for
respondents No. 1, 4 & 5)

ORDER(ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

None has appeared for the applicant even though the case was called twice. This case has been listed in today's cause list at item No. 8 under regular matters. We have carefully perused the pleadings and heard Shri P.H. Ramchandani, learned Senior Counsel and Sh. A.K. Behera, learned counsel for the respondents.

2. The applicant has filed this application against certain recruitments made by Respondent No.1 i.e. National Consumer Disputes Redressal Commission (NCDRC for short), New Delhi to various Group-A, B, C & D posts under it, which according to him was in gross violation of rules/regulations/instructions issued by the Government of India. He has also stated that he is aggrieved by the appointment of Respondents No. 4 & 5 in NCDRC.

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3. We note from Tribunal's order dated 01.02.1995 that the prayer of the applicant for an interim order to stay the process of absorption was declined and it was only directed that if any absorption is made hereafter, the same shall be subject to the decision of the O.A. We also note that the applicant has not been present on a number of occasions from August 1995 when the case has been listed for hearing.


4. Shri A.K. Behera, learned counsel has submitted that this O.A. is not maintainable as the Tribunal does not have the jurisdiction over the NCDRC which is a statutory body set up under the provisions of Consumers Protection Act, 1986. He has further submitted that as there is no Notification under Section 14(3) of the Administrative Tribunals Act, 1985, he prays that the O.A. may be dismissed on this ground alone. Shri P.H. Ramchandani, learned Senior Counsel also adopts this view in the case. He has also submitted that unfortunately when the Tribunal had passed the order dated 01.02.1995, this issue had not been placed before the Tribunal. He, however, submits that since the Tribunal does not have jurisdiction in the matter, the O.A. may not be considered further on merits and has prayed that the O.A. may be dismissed. Sh. P.H. Ramchandani, learned Senior Counsel has also submitted that the applicant has since been


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repatriated to his parent department in July 1995
i.e. Ministry of Information and Broadcasting.

5. We see force in the submissions made by the learned counsel for the respondents that in the absence of a Notification under Section 14(3) of the Administrative Tribunals Act, 1985, the grievance raised by the applicant in this O.A. does not arise for adjudication in the Tribunal. The applicant has also not placed any document on record to show that the position is otherwise. Therefore, on this ground alone, the O.A. is dismissed, noting also the fact that the applicant has been repatriated to his parent department. No order as to costs.


(N. Sahu)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

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