

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

RA-219/94 in
OA-1491/93

New Delhi this the 14 Day of September, 1994.



Hon'ble Mr. Justice S.K. Dhaon, Acting Chairman
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri S.N. Singh,
R/o B-5/33, Safdarjung Enclave,
New Delhi.

Review Applicant

(through Sh. J.P. Verghese)

versus

1. Union of India,
through its Secretary,
Ministry of Telecommunications,
Sanchar Bhavan,
New Delhi.

2. Chairman,
Commission for SC/STs,
Lok Nayak Bhavan,
New Delhi.

Respondents

ORDER (By circulation)
delivered by Hon'ble Mr.B.N. Dhoundiyal, Member(A)

In this review application, the applicant
seeks setting aside of the order dt. 6.5.94 in
O.A.No.1491/93 passed by this Tribunal.

The main ground taken by the applicant is
that the O.A. was dismissed on the sole ground that a
Single Member of the National Commission for SC/ST had
no jurisdiction to pass orders dated 10.05.93 and
24.6.93. It is claimed that the jurisdiction of the
Single Member was never a "Lis" in the entire petition.
It was neither pleaded nor an opportunity was given to
the applicant to controvert it. It is also contended
that the O.A. was decided as if this was the sole plea
in the petition.

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A perusal of the counter filed by the respondents in the above O.A. will show that the above contention of the review applicant is not correct. A specific averment to the power of the Single Member was made in para 4.5 of the counter as under:-

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"It is important to note that in a judgement dated 17.05.1993 in CWP No.1362 of 1993 filed by Indian Overseas Bank Officers Association and Others Vs Union of India & Others the High Court of Delhi has categorically stated that "the Commission has no power to issue any interim order. In any case a single member cannot act on behalf of the Commission."

In the affidavit filed on behalf of the Commission it is stated that Shri B. Sammaish was at no stage was authorised by other Members of the Commission to act on their behalf. This Tribunal rightly came to the conclusion that Sh. Sammaish alone could not act on behalf of the Commission and that the orders passed by him were without jurisdiction. The remedy for challenging the decision of the Tribunal is an appeal in the Supreme Court and not a review application.

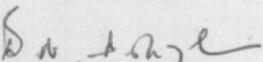
The other ground taken by the review applicant is that in the aforesaid judgement of the Tribunal it was mentioned that no rules have been framed. Now the rules have been framed to regulate the functioning of the Commission and Rule 19 specifically empowers the Single Member to exercise jurisdiction and function in accordance with the powers given under the Constitutional Amendment. It is a trite law that all such rules are applicable only prospectively.

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It has also been mentioned that the jurisdiction of the Commission being a Constitutional authority cannot be gone into on the basis of the pleadings by this Tribunal since the same would amount of interpretation of Article 388 of the Constitution of India. The only reference to Article 388 in the afore mentioned judgement is in para-8 thereof. It only states the salient features of the Article ~~which~~ ^{and} ~~do~~ does not attempt any interpretation.

(X)
(V)

In view of the afore-mentioned considerations, this review application fails and is hereby dismissed.


(B.N. Dhaundiyal)

Member (A)


(S.K. Dhaon)

Acting Chairman

/vv/