



CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O.A.NO.060/01362/2018

Order pronounced on: 24.02.2021
(Order reserved on: 19.02.2021)

HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

Ranjit Singh S/o Sh. Bachan Singh aged 62 years, Ex-Workshop Instructor, Punjab Engineering College, Chandigarh, Village : Adda Jhungian, Tehsil Zirakpur, Distt. SAS Nagar Mohali. Pin-160403.

....

Applicant

(BY ADVOCATE: MR. G.S.SATHI)

VERSUS

1. Union Territory Chandigarh through Home Secretary, U.T. Secretariat Building, Sector 9, Chandigarh, Pin-160009.
2. Director of Technical Education, Chandigarh Administration PEC Campus, Sector 12, Chandigarh. Pin-160014.
3. Accountant General (A&E), U.T. Sector 17, Chandigarh, Pin-160017.
4. Director, Punjab Engineering College (Deemed University), Sector 12, Chandigarh, Pin-160014.

Respondents

(BY ADVOCATE: MR. K.K.THAKUR, ADVOCATE FOR RESPONDENTS NO.1,2&4. MR. BARJESH MITTAL, ADVOCATE FOR R.NO.3)



ORDER
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)

1. The present Original Application has been filed by the applicant Ranjit Singh, Ex-Workshop Instructor, Punjab Engineering College, Chandigarh, seeking issuance of direction to the respondents to grant him pro-rata pension and other retirement benefits for the service rendered by him in respondent College from July 1992 to 13.9.2004 and sanction ex-India leave w.e.f. 13.9.2004 to 12.3.2005.

2. The respondents No.1,2&4 have contested the claim of the applicant on various grounds. Inter-alia, they have argued that the applicant was employed with Punjab Engineering College under Chandigarh Administration. However, the Punjab Engineering College was granted status of Deemed University under section 3 of the University Grants Commission Act, 1956 vide notification dated 16.10.2003. Thereafter, it was considered expedient to vest the Administration of the College in Punjab Engineering College Society vide notification dated 9.7.2004 (Annexure R-1). Thereafter, it became an autonomous Institution to be governed by the Punjab Engineering College Society, registered vide Registration No. 3586 dated 29.9.2003.

3. The respondents further submit that the Chandigarh Administration has approved the Memorandum of Association and Bye-laws of the Society after concurrence of Government of India, Ministry of Human Resources Development. The employees were given option to switch over to the Society. As per the terms and conditions, if an employee failed to give an



option within the prescribed time for switching over to Society, he was deemed to have become employee of the Society. Thus, the claim of applicant is not in relation to a post under Central Government. Hence, he is not entitled to invoke the jurisdiction of this Tribunal.

4. The respondents further submit that Chandigarh Administration has clarified vide instructions dated 2.12.2004 (Annexure R-3) that those employees who do not exercise any option (by the last date) would be deemed to have been absorbed in the Punjab Engineering College Society.

5. I have heard the learned counsel of opposing sides and have carefully gone through the pleadings on record. I have also given my thoughtful consideration to the entire matter.

6. I observe that the respondents have taken a preliminary objection of jurisdiction over the dispute raised by the applicant. This issue has to be decided first as in case this Tribunal does not have jurisdiction over the issue, it cannot examine the merits of the case.

7. I observe that Ministry of Human Resource Development, Department of Secondary and Higher Education, Government of India, New Delhi, has notified the Punjab Engineering College (PEC), Chandigarh as 'Deemed to be University' vide notification dated 16.10.2003 under Section 3 of the University Grants Commission Act, 1956. Pursuant thereto and with a view to convert the Punjab Engineering



College from a Department of the Chandigarh Administration to an autonomous Institution to be governed by the Punjab Engineering College Society, registered on 29.9.2003, Notification dated 9.7.2004 (Annexure R-1) was issued by the Home Department of Chandigarh Administration, with the concurrence of Government of India. The Memorandum of Association and Bye-laws of the Punjab Engineering College Society has been approved by Chandigarh Administration with the concurrence of Government of India.

8. By virtue of aforesaid notification, there is change in the status of the College to a fully funded autonomous body and its administration is vested with Punjab Engineering College Society. As per this notification, all posts sanctioned by the Chandigarh Administration for different departments / sections of the College shall stand transferred to the Society. As per para 5, on conversion of PEC into an fully funded autonomous body from the date of notification, all Government servants of PEC shall stand transferred en masse to the PEC Society on terms of foreign service without any deputation allowance till such time as they get absorbed in the said Body and such transferred Government servants shall be absorbed in the PEC Society w.e.f. such date as notified by the Chandigarh Administration. The Chandigarh Administration was to allow the transferred Government servants an option to revert back to the Government or to seek permanent absorption in the PEC Society. The option was to be exercised by every transferred Government servant in such manner and within such period as specified by the Chandigarh



Administration. The employees who opt to revert to Government service were to be re-employed through surplus cell of the Chandigarh Administration.

9. It is observed that as per section 14 (2) of the Administrative Tribunals Act, 1985, the Central Government may, by notification, extend the jurisdiction of the Tribunal 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 or owned by a State Government.

10. I also find that though the respondents have taken objection to the jurisdiction of this Tribunal over the respondent Society, this has not been rebutted by the applicant by filing a replication. In fact, after taking time for filing replication, learned counsel for the applicant made a statement on 7.1.2020 that he does not wish to file a rejoinder. Admittedly, no notification under section 14 (2) of Administrative Tribunals Act, 1985 has yet been issued by the competent authority bringing the respondent Society within the jurisdiction of this Tribunal. Hence I find that the present O.A. is not covered within the jurisdiction of this Tribunal. I am not commenting anything on the merits of the case lest it may prejudice either side.

11. The O.A. is, therefore, dismissed being barred by the jurisdiction. The applicant would be at liberty to approach the competent court of law for redressal of his grievance.

12. There shall be no order as to costs.



Place: Chandigarh
Dated: 24.02.2021

HC*

(AJANTA DAYALAN)
MEMBER (A)