

CENTRAL ADMINISTRATIVE TRIBUNAL,
JAMMU BENCH, JAMMU

Hearing through video conferencing

Transfer Application No. 62/2024/2020

Thursday, this the 8th day of October, 2020

Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)

Mohammad Younis Mir, age 40 years,
Son of Ghulam Ahamad Mir,
Residing of Indra - Nagar -33,
Sector A Srinagar.

..... **Applicant**

(By Advocate : Mr. M.Y. Bhat)

V e r s u s

1. State of Jammu and Kashmir through Commissioner cum Secretary to Government Power Development Department, Civil Secretariat, Jammu/Srinagar.
2. Managing Director, Power Development Corporation, Srinagar.
3. Chief Engineer, Power Development Corporation, Srinagar.
4. Mr. Nizam-Uddin Shah, son of Pir Baha-Uddin Shah
Resident of Khanpora, Baramulla.
5. Mr. Zahoor Ahamad Rather, Son of Abdul Salam Rather,
Resident of Khojabagh, Baramulla.
6. Mr. Tariq AhamadZonga Son of Ghulam Mohammad Zonga,
Resident of Jamia-Baramulla.
7. Sh. Davinder Kumar Sharma, son of Sh. J.C. Sharma,
Resident of Jammu.

8. Firdous Ahamad Jan Son of Mohammad Shafi Jan resident of
Bemina Srinagar. **Respondents**

(By Advocate : Mr. Amit Gupta, Ld. AAG)

O R D E R

[O R A L]

Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member (J): -

It is submitted by the learned counsel for the applicant as well as Mr. Amit Gupta, learned A.A.G. for respondents that the case pertains to Power Development Corporation of Srinagar. As such, this Tribunal has no jurisdiction to hear the case.

Contention of both the learned counsel and learned A.A.G. has force and is to be accepted. Power Corporation of Srinagar has not been brought within the jurisdiction of this Tribunal by notification to be issued by the Central Government under Section 14 (2) of the Administrative Tribunal Act, 1985. The Tribunal cannot assume jurisdiction in respect of any service matter pertaining to the Corporation under the Act.

We accordingly hold that this Tribunal is not vested with any jurisdiction to entertain any petition related to any service dispute in the Power Development Corporation.

2. In similar circumstances, the Bench of Armed Forces Tribunal, Jammu comprising of Hon'ble Mr. Justice Mohammad Tahir, Member (J) and Hon'ble Vice Admiral A.G.Thapliyal in TA No. 267 of 2017 (SWP No. 1188 of 2014) titled Bahadur Singh v/s Union of India vide order dated 25.03.2019 held that since the Tribunal does not have the jurisdiction to deal with the matter, the case be sent back to the Registrar (Judicial), High Court of Jammu & Kashmir to be listed before the appropriate Bench and copy of Order has been placed on record.

3. Therefore, since this Tribunal has no jurisdiction to deal with the present case, this case be sent back Registrar (Judicial), High Court of Jammu & Kashmir at Srinagar to place before the Hon'ble Bench for further orders.

4. Both the parties are directed to appear before the Registrar (Judicial), High Court of Jammu & Kashmir at Jammu on 16.11.2020.

(PRADEEP KUMAR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Manish/-