



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.61/778/2020

This the 17th day of November, 2020

(Through Video Conferencing)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Mohd Jamshed, Member (A)

Omi Chand Thakar, Age: 38 years, S/o Siri Chand
Thakar, R/o Kunja (Trigam) Tehsil & Distt. Kishtwar.
...Applicant

(Mr. R.D. Singh Bandral)

Versus

1. The State of Jammu and Kashmir Through its
Commissioner/Secretary, Rural Development
Department, Civil Secretariat, Srinagar/Jammu.
2. Director, Rural Development Department, Jammu.
3. District Development Commissioner, Kishtwar.
4. Assistant Commissioner Development, Kishtwar.
5. Block Development Officer (B.D.O.), Paddar, Distt.
Kishtwar.

...Respondents

(Mr. Amit Gupta, Additional Advocate General)

O R D E R (ORAL)**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 MGNREGA. As such, this Tribunal has no jurisdiction to hear the case. Contention of both the learned counsel for the applicant and learned A.A.G. has force and has to be accepted. MGNREGA 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 and the Tribunal cannot assume jurisdiction in respect of any service matter pertaining to the MGNREGA 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 MGNREGA.

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 to the Registrar (Judicial), High Court of Jammu & Kashmir at Jammu 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 17.12.2020.

(Mohd Jamshed)
Member (A)
"Arun"

(Rakesh Sagar Jain)
Member (J)