



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.61/1941/2020

Monday, this the 28th day of October, 2020

(Through Video Conferencing)

Hon'ble Mr. Rakesh Sagar Jain, Member (J)
Hon'ble Mr. Anand Mathur, Member (A)

1. Rohit Kumar Sharma Aged 46 years, Son of Gulu Ram Sharma, R/o 125/3 Nanak Nagar, Jammu.
2. Umesh Khosla Aged 45 years, Son of Krishan lal Khosla, R/o F 233 Hari Singh Nagar Rehari, Jammu.
3. Sumit Balotra, Aged 38 years, Son of Sudarshan Sharma, R/o VPO Dinga Amab, Hiranagar District Kathua.
4. Sumit Kumar Sharma, Aged 44 years Son of Ram Rattan Sharma, R/o H. No. 93-F Mohalla Mast Garh, Jammu.
5. Sandeep Kour, aged 43 years, W/o Manpreet Singh, R/o H. No. 62, New Rehari Jammu.

...Applicants

(Mr. Ankesh Chandel)

Versus

1. State of Jammu and Kashmir Through Financial Commissioner, Housing & Urban Development Deptt Civil Secretariat, Srinagar/Jammu.
2. Jammu Municipal Corporation, Town Hall, Jammu Through its Commissioner.

3. Joint Commissioner (Adm.) Jammu Municipal
Proration, Town Hall Jammu.



...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 applicants as well as Mr. Amit Gupta, learned A.A.G. for respondents that the case pertains to Jammu Municipal Corporation. As such, this Tribunal has no jurisdiction to hear the case. Contention of both the learned counsel for the applicants and learned A.A.G. has force and to be accepted. Jammu Municipal Corporation 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 Jammu Municipal 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 Jammu Municipal 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 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 29.11.2020.

(Anand Mathur)
Member (A)
"Arun"

(Rakesh Sagar Jain)
Member (J)