



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.61/3149/2020

This the 03rd day of November, 2020

(Through Video Conferencing)

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

Faiz Ahmed Khalil, Age 58 years, S/o Mohd Khalil, R/o 47 Karan Nagar, Jammu.

...Applicant

(By Advocate : Mr. Ankus Manhas)

Versus

1. State of Jammu and Kashmir through Commissioner Secretary to Govt. Go-operative Department, J&K Civil Secretariat Jammu.
2. Secretary State Vigilance Commission, J&K Jammu.
3. Jammu and Kashmir Cooperative Supply & Marketing Federation Limited (JAKFED) through its Managing Director.

...Respondents

(By Advocate : Mr. Amit Gupta, AAG)

O R D E R (ORAL)

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

The present TA has been received by way of transfer from Hon'ble High Court of J&K at Jammu. It has been submitted at the Bar that since the case pertains to Co-operative Society, the Tribunal cannot assume jurisdiction in respect of any service



matter pertaining to Co-operative Department and placed reliance on State of Karnataka v/s Ameerbi, (2007) 11 SCC 681.

2. The present case pertains to Co-operative Society. We accordingly hold that this Tribunal is not vested with any jurisdiction to entertain any petition related to any service dispute of the Co-operative Department.

3. Contention of both the learned counsel and learned A.A.G. has force and it is to be accepted. Cooperative Society 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.

4. The Tribunal cannot assume jurisdiction in respect of any service matter pertaining the Cooperative Society 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 Cooperative Society.

5. 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.

6. 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.

6. Both the parties are directed to appear before the Registrar (Judicial), High Court of Jammu & Kashmir at Jammu on 04.12.2020.

(Anand Mathur)
Member (A)

(Rakesh Sagar Jain)
Member (J)

Piyush