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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

13.11.1986

REGN. NO. OA 916/86.

Shri Banwari Lal Versus Govt. of Assam.

Shri G.D. Bhandari, counsel for the applicant present.

The applicant was appointed as a temporary telephone Operator in Assam House, New Delhi. In this application he has challenged the order dated 20th June, 1986 issued by the Government of Assam, General Administration Department, General Branch, Dispur, transferring and posting him as Telephone Operator in the Assam Secretariat PABX at Dispur with immediate effect. It is an admitted fact that the applicant is an employee of the State Government of Assam and does not hold any civil post under the Union. Sub section I of Section 14 of the Administrative Tribunals Act, 1985 clearly defines the jurisdiction, power and authority of the Central Administrative Tribunal. The same is reproduced below:

"14. Jurisdiction, power and authority of the Central Administrative Tribunal.-(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court) in relation to-

(a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a Civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

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(b) all service matters concerning-

- (i) a member of any All-India Service; or
- (ii) a person (not being a member of an All-India Service or a person referred to in clause (c)) appointed to any civil service of the Union or any civil post under the Union; or
- (iii) a civilian (not being a member of an All-India Service or a person referred to in clause (c)) appointed to any defence services or a post connected with defence, and pertaining to the services of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation or society owned or controlled by the Government;

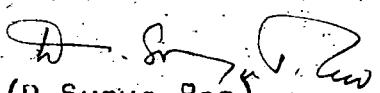
(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation or society or other body, at the disposal of the Central Government for such appointment.."

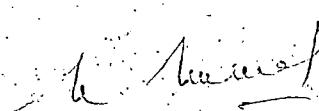
The applicant is not covered by any of the categories mentioned in sub-section I of Section 14 and as such the Central Administrative Tribunal has no jurisdiction to hear a service matter pertaining to a State Government employee.

The learned counsel for the applicant has contended that in this case the Chairman of the Central Administrative Tribunal, in exercise of the power conferred by Section 25 of the Act had passed an order on 31.10.1986 permitting that the case may be prosecuted before the Principal Bench and, therefore, the matter has necessarily to be heard on merits as well by the Principal Bench irrespective of the fact whether the Central Administrative Tribunal has jurisdiction to hear or not. We are unable to agree with this

contention of the learned counsel. The order passed by the Hon'ble Chairman in exercise of the power under Section 25 is merely for transfer of the case to be heard by the Principal Bench instead of the Bench concerned. Exercise of the power of transfer under Section 25 does not necessarily vest the Central Administrative Tribunal with jurisdiction to hear the matter.

The learned counsel for the applicant seeks permission to withdraw the application. The same is allowed. The application is dismissed as withdrawn. This will not preclude the applicant to file another application in the proper forum.


(D. Surya Rao)
Member (JM)
13.11.1986


(Kaushal Kumar)
Member (AM)
13.11.1986