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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 1043  
T.A. No.

1987.

DATE OF DECISION August 12, 1987.

Shri U.C.Pathak & another Petitioner s.

Shri B.R.Kapoor, Advocate for the Petitioner(s)

Versus

Union of India & another Respondents.

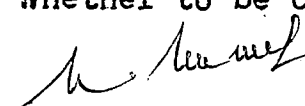
None. Advocate for the Respondent(s)

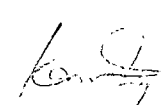
**CORAM :**

The Hon'ble Mr. Justice K.Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether to be circulated to other Benches? *No*

  
(Kaushal Kumar)  
Member  
12.8.1987.

  
(K.Madhava Reddy)  
Chairman  
12.8.1987.

12.8.87

Shri U.C. Pathak &amp; another VS. UNION OF INDIA &amp; ANOTHER.

Present: Shri BR Kapoor, advocate for applicant.

On the averment in the petition itself, it is clear that the petitioner is an employee of the National Hydro-Electric Power Corporation Ltd. It is obviously a company registered under the Companies Act. Though it is a Government of India enterprise, nonetheless this company is an independent legal entity incorporated under the Companies Act with the right to sue in its own name and be sued in its name. The employees of the company do not hold a post under the Union or the Union Territory. Being employees of the company, their grievance cannot be entertained by this Tribunal under Section 14(1) read with Section 19 of the Administrative Tribunals Act. No doubt, if a notification under subsection(2) of Section 14 of the Act is issued in respect of this company, it would be open to the employees of this company to move this Tribunal under Section 19 read with Section 14(2) of the Act. Admittedly, no such notification has been issued so far. Consequently, this Tribunal has no jurisdiction to entertain the grievances of an employee of the National Hydro-Electric Power Corporation Ltd.

2. Shri Kapoor, learned counsel for the petitioner, however, brings to our notice that

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this applicant's petition under Article 226 was dismissed by the High Court on 15.1.86 and that the applicant moved the Supreme Court by way of Special Leave. That Special Leave Petition was allowed to be withdrawn with liberty to move the concerned bench of the Central Administrative Tribunal. Therefore, this petition could be entertained by this Tribunal. We are afraid that the order of the Supreme Court cannot be construed as a direction to this Tribunal to entertain the present petition. All that the Supreme Court has done is to allow the applicant to withdraw his Special Leave Petition. Their Lordships have also given liberty to the applicant to move the concerned bench of the Central Administrative Tribunal. The Supreme Court did not hold that the Central Administrative Tribunal had jurisdiction to entertain an application for redressal of the grievance of an employee of the National Hydro-Electric Power Corporation Ltd. In the absence of such notification under subsection 2 of Section 14 of the Act, this Tribunal does not have jurisdiction to entertain this application. This application is therefore returned to the applicant for presentation to appropriate forum. It is however doubtful, if any court or Tribunal has jurisdiction to entertain the applicant's grievance in the face of the High Court's order dated 15.1.86. Be that as it may, as this Tribunal has no jurisdiction to entertain this application, it is returned.

Ordered accordingly.

(Kaushal Kumar)  
Member(AM)

(K. Machaya Reddy)  
Chairman