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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

CCP 190/93 IN-DA 444/88

Date of decision: 22.7.93

Shri Vidya Sagar Chopra Vs. Union of India & Ors.

CORAM

Hon'ble Justice Shri V.S. Malimath, Chairman

Hon'ble Shri S.R. Adige, Member (A)

For the applicant .. Shri R.L. Sethi, Counsel

For the respondents..Shri P.P. Khurana, Counsel

JUDGEMENT (Oral)

(Delivered by Hon'ble Justice Shri V.S.
Malimath, Chairman)

The complaint of the petitioner Shri Vidya Sagar Chopra in this case is that the judgement of the Tribunal rendered in DA 444/88 on 2.8.1991 has been contumaciously violated. The direction in that judgement says that the petitioners should be appointed to the clerical posts in case vacancies exist and in case persons appointed as LDCs subsequent to them are continuing. In order to get relief, the petitioner has to show that there is a vacancy in the clerical post in which the petitioner could be accommodated or that there is a person who was appointed later than the petitioner who is still working, as an LDC. The petitioner has asserted that one Ms. Balbir Kaur, who was appointed later than the petitioner is continuing as an LDC.

2. The respondents have filed their reply saying that they have never engaged a person named Ms. Balbir Kaur and therefore the assertion of the petitioner is not correct.

3. Shri Sethi, counsel for the applicant submitted that there is a typographical error in giving the name as Ms. Balbir Kaur and that the real name is Ms. Balwinder Kaur.

4. Shri P.P. Khurana, learned counsel appearing for the respondents brought to our notice the order of the Bhakra Beas Management Board which has given appointment to her as LDC in the said Board by order dated 27.10.83. He says that the Bhakra Beas Management Board is an independent statutory body and that the Chandigarh Bench of the Tribunal has held in its judgement dated 4.9.91 in the case of Shri Varinder Kumar Sharma Vs. Union of India & Others that the employees of the Bhakra Beas Management Board can not be regarded as the employees of the Central Government as it is a statutory body created under a statute and that this Tribunal has no jurisdiction to deal with the service matters of the Bhakra Beas Management Board. Thus it is clear that the employees of the Bhakra Beas Management Board can not be regarded as employees of Bhakra Project with which we are concerned.

5. As Ms. Balwinder Kaur is not an employee of the Beas Project but an employee of another corporation over which the Tribunal has no jurisdiction, her appointment in the said Board can

not give rise to a cause of action in favour of the petitioner to complain that contempt is committed.

The next contention of the petitioner is that persons appointed as LDCs subsequent to the petitioner are being continued. Here again, the information furnished is in respect of the persons who are continuing in the establishment of the Bhakra Beas Management Board and not in the Beas Project with which we are concerned. Therefore, it is not possible to accept the contention of the petitioner. Hence the petitioner fails and the CCP is dismissed with no order as to costs.

Adige
(S.R. Adige)
Member(A)
22.7.93

Malimath
(V.S. Malimath)
Chairman
22.7.93

S.R.G.