

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## NEW DELHI

O.A. No. 1337/90  
T.A. No.

199

2

DATE OF DECISION 20.07.1990

<u>Shri P.C. Singhal</u>	Petitioner
<u>In person</u>	Advocate for the Petitioner(s)
Versus	
<u>Lt. Governor, Delhi &amp; Others</u>	Respondent
<u>None</u>	Advocate for the Respondent(s)

### CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

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

### JUDGMENT

(The judgment of the Bench delivered by Hon'ble  
Mr. P.K. Kartha, Vice Chairman(J))

The applicant, who was formerly employed as the Head of the Electrical Engineering Department, Arya Bhat Polytechnic, filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for awarding him compensation of Rs.5 Lakhs and for taking action against Shri Raj Kumar, Principal, Technical Teachers' Training Institute, Chandigarh and Mrs. B. Prasad, Director-cum-Secretary, Technical Education, Delhi and that the aforesaid Mrs. Prasad and Shri Raj Kumar should pay the compensation from their pockets/together with interest at the rate of 18% with effect from 1.8.1989 till the payment of the amount.

*o*

2. The application was listed for admission on 17.7.1990 when we went through the records of the case and heard the applicant in person. Subsequently, the applicant has also filed an affidavit giving some more particulars. We feel that the application could be disposed of at the admission stage itself.

3. The facts of the case in brief are that the applicant while working as Head of Electrical Engineering Department, Arya/Bhat Polytechnic, applied for Technical Teachers' Award. The application was submitted to Shri Raj Kumar, the Principal in May, 1989. He forwarded it to the Director, Technical Education on 20.7.1989. Mrs. B. Prasad, Director-cum-Secretary, Technical Education sent his application only on 1.9.1988. The date of the award was 7.9.1988. The applicant has alleged that there was delay in the forwarding of the application submitted by the applicant and this was due to the mala fide intentions of Shri Raj Kumar, the Principal and Mrs. Prasad, the Director-cum-Secretary. Because of the delay, the applicant could not be considered for the award for which he had applied. The applicant has alleged that he had applied for another award of the U.P. Government, which also was forwarded by the Principal after delay. The Director of Technical Education did not forward his application for consideration to the authorities concerned.

4. In our opinion, this Tribunal has no jurisdiction to award compensation for the alleged wrongs committed by the Principal and the Director. A claim for damages for tort cannot be adjudicated upon by this Tribunal.

~

5. The question whether the Tribunal has jurisdiction to adjudicate upon the claim for damages as a "service matter" has been considered by the Madras Bench of this Tribunal in Lakshmi Ponnappan Vs. The Controller, V.S.S.C., ISRO Trivandrum, 1988(1) SLJ CAT 449, by the Ahmedabad Bench in Dr. Dhum Singh Vs. Union of India & Others, 1986(4) SLJ CAT 307 and by the Principal Bench in Radha Kant Jha Vs. Union of India, ATR 1989(2) CAT 254. In the aforesaid decisions, the Tribunal has held that a claim for damages does not pertain to "service matter" and has to be pursued in a Civil Court.

6. The question whether the Supreme Court can award damages in proceedings under Article 32 of the Constitution came up for consideration in Kamal Kumar Puri Vs. M/s Bombay Marine Engineering Works (P) Ltd., 1982(1) SCC 500. In that case, the petitioner who was employed as a seaman crew in a private company, contended that since the respondents withheld his service book without any lawful excuse and thus deprived him of the chance of employment, they are liable to pay damages to him. Rejecting the contention, the Supreme Court observed as follows:-

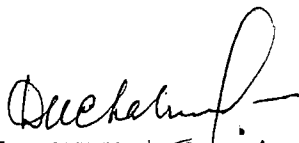
" Unfortunately, however, in proceedings under Article 32 of the Constitution, we cannot award damages for which the petitioner can file an appropriate Civil Suit, if so advised".

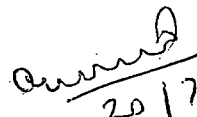
7. In view of the aforesaid judicial pronouncements, we are of the opinion that this Tribunal cannot adjudicate upon the claim for award of compensation, prayed for in the present

2

application. We do not, therefore, wish to express our views on the merits of the claim. The application is not maintainable as the Tribunal has no jurisdiction to adjudicate upon the claim put forward in the present application. The applicant will, however, be at liberty to move ~~was~~ appropriate legal forum to seek his redress, if so advised. The application is dismissed at the admission stage itself with the aforesaid observations.

There will be no order as to costs.

  
(D.K. CHAKRAVORTY)  
MEMBER (A) 20/7/1990

  
(P.K. KARTHA)  
VICE CHAIRMAN (J)