

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

(3)

Date of Decision: March 10, 1992.

OA 3127/91

GHANSHYAM

... APPLICANT.

VS.

UNION OF INDIA

... RESPONDENT.

For the applicant

... Shri N.S. Bhatnagar,
Counsel.

For the respondent

... Shri D.P. Painoli,
Deputy Director of Education,
representative for the
respondents.

1. whether Reporters of local papers
may be allowed to see the judgement ? *Y*
2. To be referred to the Reporters or
not ? *W*

CO RAM:

THE HON'BLE MR. P.K. KARTHA...VICE CHAIRMAN.

THE HON'BLE MR.D.K. CHAKRAVORTY...MEMBER(A).

JUDGEMENT (ORAL)

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

We have perused the records and heard the learned counsel for the applicant. The grievance of the applicant relates to an order passed by the respondents on 1.8.91, whereby a departmental enquiry has been initiated against the applicant under Rule 14 of the CCS (CCA) Rules, 1965. The

W

(X)

Director, Rashtriya Sanskrit Sansthan has been impleaded as respondent in this case. The impugned order dated 1.8.91 was passed by the Director of the said Sansthan.

2. The learned counsel for the applicant states that the said Sansthan was created by the Govt. of India. Even though it is a Society registered under the Societies Registration Act, 1860, it is fully funded by the Govt. of India and it functions under the control of the Govt. of India.

3. We have gone through the Memorandum of Articles of Association of the said Sansthan. It is clearly laid down therein that the Sansthan shall be a Corporate Body, shall have a perpetual seal and shall sue and be sued in its corporate name. In other words, it has a distinct legal personality of its own.

4. The fact that the Govt. of India finances the Society and that it is under the control of the Govt. of India only indicates that it is an agency or instrumentality of the government within the meaning of Article 12 of the Constitution. Every such agency or instrumentality is not subject to the jurisdiction of this Tribunal. In the case of any legal or other authority or corporation or society, the jurisdiction of this Tribunal will be extended only after the Central Government issues a notification as envisaged in Section 14 (2) of the Administrative Tribunals Act, 1985. No such notification has been issued in the instant case.

5. In view of this, we are of the opinion that the present application is not maintainable. The Registry is directed to return the papers to the applicant for presentation in the appropriate forum, if he so chooses. The application fee may also be refunded to him in accordance with the rules.

D.K. Chakravorty
(D.K. CHAKRAVORTY)
MEMBER (A)

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