

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

2

O.A.NO.1122/2004

MA M. 927/2004

New Delhi, this the 19th day of May, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN  
HON'BLE SHRI S.A.SINGH, MEMBER (A)

1. Pankaj Sharma  
s/o Shri J.C.Sharma  
r/o H.No.93, M.S.Flats  
Timarpur  
Delhi.
2. Ms. Monu Sharma  
w/o Shri Sanjay Sharma  
H.No.B-733, Sarojini Nagar  
  
Delhi.
3. Yuvneet Kumar  
s/o Shri Ram Gopal  
r/o 19-E, MCD Flats  
Kamla Nagar  
Delhi.
4. Pankaj Ranga  
s/o Sri S.R.Ranga  
Village & P.O. Goela Khurd  
New Delhi - 110 071.
5. Amit Kumar  
s/o Shri K.K.Ranga  
Village & P.O. Goela Khurd  
New Delhi - 110 071.
6. Vikal Kumar  
s/o Shri Mahabir  
r/o C-A/201, Netaji Gali  
Bhajan Pura  
Delhi - 110 053.
7. Mohit Gautam  
s/o Shri Bhagwat Dutt Gautam  
H.No.R-266-67/17  
Swatantra Nagar, Narela  
Delhi - 110 040.
8. Shiv Prasad  
s/o Lt. Shri Ram Kumar  
R/o A-19, Gali No.2  
Meet Nagar  
Delhi - 110 094.
9. Ashok Kumar  
s/o Shri Bihari Lal  
H.No.1654, Delhi Government Flats  
Gulab Bagh  
New Delhi - 110 007.

10. Manish Kumar  
s/o Shri Ramher  
r/o H.No.540, Gali No.13  
Swatantra Nagar  
New Delhi - 110 040.
11. Sarvesh Mohan Bansal  
s/o Shri Y.M.Bansal  
r/o 1551, Dina Nath Building  
Chandrawal Road  
New Delhi - 110 007.
12. Manoj Kumar  
s/o Shri Swaran Kumar  
r/o C-313, MCD Flats  
New Usmanpur  
New Delhi - 110 053.
13. Kamal Kishore  
s/o Shri Bal Kishan  
r/o H.No.1870, Gali Ashram  
Malka Ganj  
New Delhi - 110 007.
14. Sunil Kumar  
s/o Shri Gopi Nath  
r/o Qr. No.1, Nurses Hostel  
I.D.Hospital  
New Delhi - 110 009.
15. Pawan Kumar  
s/o Shri Mool Chand  
H.No.B-22/439, Chandra Colony  
Mandoll Road, Shahdara  
New Delhi - 110 093.
16. Ms. Mamta Rani  
w/o Shri Manjit Kumar  
r/o H.No.B-79, Gali No.4  
Vaish Jyoti Bazar  
New Delhi - 110 094.
17. Rakesh Kumar  
s/o Shri Nar Singh  
r/o H.No.890  
Bawana  
New Delhi - 110 039.
18. Ishwar Singh  
s/o Shri Hukam Chand  
r/o H.No.28,  
Village Kirari  
New Delhi.
19. Sagar Kumar  
s/o Shri Jagat Prakash  
r/o H.No.1546, Nai Sarak  
Chandni Chowk  
Delhi - 110 006.

20. Ajmer Singh

s/o Shri Fateh Singh  
r/o H.No.608, Ishwar Colony  
Bawana  
New Delhi - 110 039.

... Applicants

(By Advocate: Shri Pradeep Gupta)

Versus

1. Government of NCT of Delhi  
through its Chief Secretary  
New Secretariat Building  
Indraprastha Estate  
New Delhi.
2. Delhi Subordinate Service Selection Board  
through its Secretary  
UTCS Building, 3rd Floor  
Behind Karkardooma  
Courts Complex  
Vishwas Nagar, Shahdara  
Delhi - 110 032.
3. Municipal Corporation of Delhi  
through its Commissioner  
Town Hall, Chandni Chowk  
Delhi - 110 006.
4. Shri T.T. Joseph  
Chairman  
Delhi Subordinate Service Selection Board  
UTCS Building, 3rd Floor  
Behind Karkardooma Courts  
Complex, Vishwas Nagar  
Shahdara  
Delhi - 110 032.
5. Shri Amar Nath  
Secretary  
Delhi Subordinate Service Selection Board  
UTCS Building, 3rd Floor  
Behind Karkardooma Courts  
Complex, Vishwas Nagar  
Shahdara  
Delhi - 110 032.
6. Mr. Sudhir Kumar
7. Mr. Rajiv Kumar
8. Mr. Pankaj Nayer
9. Mr. Mukesh Arora
10. Mr. Jagat Singh Bisht

Respondent Nos.6 to 10, Selected candidates for the  
posts of Theatre Assistant (Operation Theatre - Code  
No.0056) in Municipal Corporation of Delhi  
All C/o Delhi Subordinate Service Selection Board

UTCS Building, 3rd Floor  
Behind Karkardooma Courts Complex  
Vishwas Nagar, Shahdara  
Delhi - 110 032.

... Respondents

O R D E R (Oral)

Justice V.S. Aggarwal:-

Applicants are working in the Municipal Corporation of Delhi (for short 'MCD'). By virtue of the present application, they seek quashing of the impugned order/notification dated 4.10.1996 and setting aside the Constitution of the Delhi Subordinate Service Selection Board (for short 'DSSSB') as well as the appointment of its Chairman and Secretary and not to implement the impugned result that has been declared for the post of Theatre Assistant (Operation Theatre) in MCD and not to terminate the services of the applicants.

2. Since the applicants had been working with the MCD and the results were also declared by the DSSSB for the MCD, at the threshold we had put it to the learned counsel for the applicants as to how this Tribunal has the jurisdiction to entertain the present application.

3. Learned counsel for the applicants had urged that this Tribunal has the jurisdiction to entertain the application. At the outset, we make it clear that in an indirect manner jurisdiction cannot be conferred on this Tribunal merely because they have chosen to challenge the same set up of the DSSSB. The

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basic fact remains that the Test was held for purposes of employment in the MCD and the applicants are working seemingly on ad hoc basis in the MCD.

4. The Act had been enacted to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services. It was an alternative forum to provide expeditious disposal of applications pertaining to service matters. The Act specifically provided as to under what circumstances, this Tribunal was to have jurisdiction. Section 14 reads:-

**"14. Jurisdiction, powers 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;

(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.

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and pertaining to the service 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.

[**Explanation.**— For the removal of doubts, it is hereby declared that references to "Union" in this sub-section shall be construed as including references also to a Union territory.]

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations [or societies] owned or controlled by Government, not being a local or other authority or corporation [or society] controlled or owned by a State Government;

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of or different categories under any class of, local or other authorities or corporations [or societies].

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation [or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court) in relation to—

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- (a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation [or society]; and
- (b) all service matters concerning a person [other than a person referred to in clause (a) or clause (b) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation [or society] and pertaining to the service of such person in connection with such affairs."

5. We need not delve into the provisions of sub-sections (2) and (3) of Section 14 of the Act because when the same is read with clauses (b) and (c) to sub-section (1) to Section 14, it clearly shows that this Tribunal has no jurisdiction to entertain the applications pertaining to employees of local or other authorities or other autonomous bodies unless a notification in this regard is issued. A Full Bench of this Tribunal in the case of **K.K.Singh etc.etc. v. Union of India & Ors. etc.etc.** in OA No.93/1997 decided on 20.11.1998 and reported as (1997-2001) A.T.F.B.J 257 had considered this question and held:-

"19. In the result the reference is answered as under:

"Excepting those specifically covered by clauses (b) and (c) of Section 14(1) A.T.Act, the CAT has no jurisdiction to entertain applications from employees of local or other authorities within the territory of India or under the control of the Govt.of India and to corporations or societies owned or controlled by Govt. (not being a local or other authority or corporation or society controlled or owned by a State Govt.) unless the same have been notified under Sec. 14(2) A.T.Act"

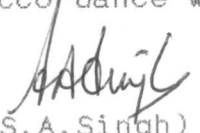
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6. In the present case before us, there is no notification issued under Sub-Section (2) to Section 14 of the Administrative Tribunals Act, 1985, conferring jurisdiction on this Tribunal to hear service matters pertaining to the MCD. In the absence of such a notification, this Tribunal has no jurisdiction to deal with the service matters pertaining to MCD.

7. In fact, similar controversy had been raised pertaining to the Mahanagar Telephone Nigam Ltd. (for short 'MTNL') before the Delhi High Court in the case of RAM GOPAL VERMA v. UNION OF INDIA & ANR., 2202 (1) SLJ 352. The Delhi High Court referred to Sub-Sections (2) and (3) of Section 14 and held that this Tribunal does not have jurisdiction in the absence of notification under Sub-Section (2) of Section 14 to hear the applications of MTNL.

8. Identical is the position herein. We, therefore, hold that pertaining to the service matters of MCD, this Tribunal has no jurisdiction to hear the same. Resultantly, the Original Application must fail and is dismissed in limine.

9. Applicants would be at liberty to take recourse by filing an independent petition in accordance with law before the appropriate forum.

  
(S.A. Singh)  
Member (A)

  
(V.S. Aggarwal)  
Chairman