

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

OA NO.1288/92

DATE OF DECISION:22.05.1992.

SHRI A.K. VERMA

...APPLICANT

UNION OF INDIA

VERSUS

...RESPONDENTS

(2)

CORAM:-

THE HON'BLE MR. P.K. KARTHA, VICE-CHAIRMAN (J)

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

SHRI L.N. VERMA, COUNSEL.

FOR THE APPLICANT SHRI SANJAY KALRA, COUNSEL

FOR THE RESPONDENTS

SHRI SANJAY KALRA, COUNSEL

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE MR. P.K. KARHTA, VICE-CHAIRMAN(J))

We have heard the learned counsel for both parties.

2. The applicant who is working as a Research Assistant in the National Institute of Health and Family Welfare, Munirka, New Delhi, has filed this Original Application, under Section 19 of the Administrative Tribunals Act, 1985, praying for setting aside and quashing the impugned order dated 5.5.1992, passed by the Deputy Director of the said Institute.

3. Shri Sanjay Kalra, learned counsel for the respondents submits that the National Institute of Health & Family Welfare is a Society registered under the Societies Registration Act. In view of this, this Tribunal has no jurisdiction to adjudicate upon the service matters of the said Institute. He has also brought to our notice judgement dated 5.8.88 passed in OA No.1420/88 in which another employee of the said

(3)

Institute had filed an Application in this Tribunal which was held to be not maintainable.

4. The learned counsel for the applicant has produced before us the Memorandum of the Association and the Rules and Regulations of the National Institute of Health & Family Welfare. Even though the said Institute is fully funded by the Central Government, the Institute may sue or be-sued in the name of its Secretary or such other matter as was in reference to the matter be appointed by the Governing Body for the occasion. In other words, the said Institute has a distinct legal personality of its own and ^{it} is not part and parcel of the Central Government. No notification has been issued under Section 14 (2) of the Administrative Tribunals Act, 1985 whereby jurisdiction of the Tribunal could be extended to the service disputes of member of ^{the said} ~~such~~ societies ^{in the instant case}.

5. In view of the above, we hold that the present Application is not maintainable in the Tribunal. The Application is allowed to be withdrawn. The papers filed by the applicant in the Tribunal be returned to the applicant for taking such action, as he may deem fit.

Let a copy of this order be given to the learned counsel of both parties.

Shyam
(I.K. RASGOTRA)
MEMBER(A)

Arvind
(P.K. KARTHA)
VICE-CHAIRMAN

May 22, 1992.

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