

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 1815/92.

Date of decision

14/12/92

Shri R.P. Sharma ... Applicant

V/s

Union of India & Ors.... Respondents

CORAM:

The Hon'ble Mr. Justice Ram Pal Singh, Vice-Chairman (J)

The Hon'ble Member Mr. I.P. Gupta, Member (A)

For the Applicant ... Shri K.L. Bhatia, counsel.

For the Respondents ... Ms. Jaswinder Kaur, counsel
No.1-2.

For Respondent No.3 ... Shri Sunil Malhotra, Counsel.

(1) Whether Reporter of local papers may be allowed to see the Judgement ?

(2) To be referred to the Reporter or not ?

J_U_D_G_E_M_E_N_T

Delivered by Hon'ble Mr. I.P. Gupta, Member (A) 7

In this application the applicant has requested for direction to the respondents ^{to} ~~setting~~ aside the letter of Ministry of Civil Aviation & Tourism dated 8th April, 1992 saying that the applicant is deemed to have been absorbed in NAA with effect from 2.10.1989.

The applicant has further prayed for promotion to the post

of Director (Trg & Lsg). He has further prayed that the respondents be directed to allow the applicant to ^{be} repatriated to his parent department i.e. D.G.C.A. and the order of transfer of the applicant from New Delhi to Bombay be set aside.

2. The Learned Counsel for the respondents raised the question of jurisdiction. They said that the National Airport Authority is not amenable to the jurisdiction of the Tribunal since no notification under section 14 in regard to NAA has been issued.

3. It is seen from the relief clause that a direction is sought to be issued to the NAA (respondent No. 3) to repatriate the applicant to his parent department. In the absence of a notification bringing NAA under the jurisdiction of the Tribunal, no such direction can be issued by the Bench to the NAA. Further, the transfer has also been effected by the NAA and in the absence of jurisdiction the Bench cannot interfere.

4. Regarding the applicant's request that the order dated 8.4.1992 be set aside, it may be mentioned that the

option was to be exercised for absorption in NAA according to the instructions of NAA dated 15th September, 1989 (Annexure III). This option was to be furnished to the NAA. It was also said in the said communication of NAA that even an employee who did not exercise option for absorption or does not intimate his intention of becoming a regular employee of NAA would be deemed to have been absorbed in NAA from 2nd October, 1989. Ministry of Civil Aviation in their letter of 8th April, 1992 simply said that they have no record about any communication of the applicant dated 26.9.1989. In any case, according to the letter of 15th September, 1989 of respondent No.3 the option was to be given to NAA, and it is NAA who had absorbed or deemed the applicant to have been ^{absorbed} _{to} absorbed in their organization. If such absorption was not done by NAA according to law and in accordance with the option, it is for the NAA to see their records and take a decision in the matter.

5. We, therefore, are of the view that the application is beyond the purview of this Bench, which has no jurisdiction over NAA (respondent No. 3).

6. The application is, therefore, dismissed in the absence of jurisdiction.

I.P. Gupta
I.P. Gupta 14/12/92
Member (A)

Ram Pal Singh
Ram Pal Singh
Vice-Chairman (J)
14/12/92