

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.325/92

New Delhi this the 24th Day of May, 1994.

Sh. N.V. Krishnan, Vice-Chairman(A)
Sh. C.J. Roy, Member (J)

Ahmed Khan,

S/o Sh. Sunder Khan,
Daily rated Driver in the
office of the Special
Commissioner, Govt. of Goa,
Daman and Diu,
18, Amritha Shergil Marg,
New Delhi-110 003.

...Applicant

(By Advocate Sh. P.T.S. Murthy)

Versus

Union of India through:

1. The Special Commissioner to
the Govt. of Goa, Daman & Diu,
18-Amrita Shergil Marg,
New Delhi-110 003.
2. Resident Commissioner,
office of the Resident Commissioner,
18-Amrita Shergil Marg,
New Delhi-110 003.

...Respondents

(By Advocate Sh. Dhruv Mehta)

ORDER (Oral)

Mr. N.V. Krishnan:-

On 6.1.94 when this matter came up before us the learned counsel for the respondents drew our attention to the fact that the respondents have raised the issue of jurisdiction of this Tribunal in this O.A. in the reply filed by them. He points that the applicant is an employee of the State of Goa, as admitted by him. The applicant has also made a further admission in this regard in his rejoinder dated 29.9.92 in paragraph-3 wherein the applicant states "It is not denied that the applicant is an employee of Goa but he is employed in New Delhi."

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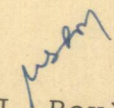
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2. The learned counsel for the applicant submits that the issue involved is a small one viz. the claim of the applicant that as a casual labourer he is entitled to the minimum of the pay scale of the regular employee and not the minimum wages applicable.

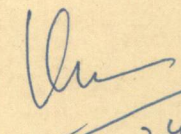
3. We are of the view that the question whether the prayer can be considered at all would depend upon the fact whether we have jurisdiction. The nature of the prayer has nothing to do with this question.

4. Admittedly, the applicant has been engaged as a casual labourer by the State of Goa. He states that he has been engaged from 1984. Be that as it may, we are of the view that we do not have jurisdiction in the matter to give any direction to the State of Goa in this respect. In the circumstances, the Registry is directed to return the application to the applicant for presentation to the proper forum, as may be advised.

5. The O.A. is disposed of with the above direction.


(C.J. Roy)
Member(J)

'Sanju'


24.5.94
(N.V. Krishnan)
Vice-Chairman