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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

Regn. No. OA-1228/92 .. Date of decision: 22.07.93

Sh. Muneswar .. Applicant

Versus

Union of India .. Respondents

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Hon'ble Mr. J.P. Sharma, Member (J)

Hon'ble Mr. N.K. Verma, Member (A)

For the applicant .. Sh. J.P. Varghese, Counsel.

For the respondents .. Sh. M.L. Verma, Counsel.

1. To be referred to the Reporters or not ?

JUDGEMENT (Oral)

(Delivered by Hon'ble Mr. J.P. Sharma, Member (J))

The applicant in this application has assited a grievance that he was appointed in a Newspaper Centre, 1, Central Base Post Office vide order dated 31st October, 1987 (Annexure- II) and his services have been terminated by the order dated 1st August, 1991. The relief claimed by him in this application is that the respondents be directed to reinstate him and regularise his services with effect from the date when he has completed the casual labour service for regularisation. Notice was issued to the respondents. The respondents

have taken the preliminary objection that the Tribunal has no jurisdiction.

2. We have heard the learned counsel for both the parties at length and perused the records of the case. The contention of the learned counsel for the applicant is that since the applicant is paid from the Army Funds and his services are regulated by Army regulations as applicable to the civilian employees, so, for all purposes, he is a civilian employee ultimately controlled by the Union of India and falls within the jurisdiction of the Administrative Tribunals Act, 1985. During the course of the arguments, it has come to light that there is a Regimental Fund collected by the ~~constitution~~ ^{contribution} of the Army employees in a certain ratio and it includes all funds except the public funds. Para. 801 of the Army Regulation ~~Defines~~ Public Fund as well as the Regimental Funds. It is, therefore, evident that the service conditions of the applicant in the said Newspaper Centre were totally paid out of the Regimental Funds. During the course of the arguments, the learned counsel for the respondents has filed an extract of a Special Army order to highlight this aspect. It is, therefore, urged on behalf of the respondents that the applicant is not a holder of the civil post under the Union of India

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and since there is no notification under Section 14 to bring within the purview of this Tribunal the said Newspaper Centre, the Tribunal has no jurisdiction. The learned counsel for the respondents also pointed out that this organisation is one of the regimental institutions and there are other regimental institutions, viz., Cafeteria, grocery shop, vegetable shop, etc., listed at page 4 of the reply filed by the respondents.

3. The established proposition regarding the jurisdiction of this Tribunal is that it covers all disputes of the Central Government employees and those employees of the Army who are paid from the Civil Defence Estimates as civilians, excluding the Army personnel. To be a holder of a civilian post, the incumbent must be paid from the public funds of the Union of India. Only that establishes the relationship of employer and employee. In other words, if a person is not a holder of a civilian post under the Union of India, this Tribunal has no jurisdiction to adjudicate the service matter agitated in a petition before the Tribunal.

4. The learned counsel for the respondents also referred to certain decided cases, at page 2-3 of the counter. He has also cited some of them by highlighting various points raised therein. The respondents have also annexed the judgement given by the Calcutta Bench

where an employee was similarly situated and working in the Newspaper Centre, has held in OA 593/87 decided on 25th August, 1987 that in such a matter, the Tribunal has no jurisdiction to adjudicate on the service condition of an employee engaged by the Newspaper Centre.

5. In view of the above facts, we have no hesitation to hold that the present application does not lie within the jurisdiction of the Central Administrative Tribunal.

6. The application, therefore, is dismissed as not maintainable. The applicant shall be free to assail his grievance in the proper forum. No order as to costs.

N.K.Verma
(N.K. Verma)
Member (A)

J.P.Sharma
(J.P. Sharma)
Member (J)