

3

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 2560 of 1993

This 16th day of March, 1994

Hon'ble Mr. J.P. Sharma, Member (J)
Hon'ble Mr. B.K. Singh, Member (A)

Rohtas Kumar,
S/c Shri Chandu Ram,
RZ-330/M, Raj Nagar-II
Palam Colony,
New Delhi.

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Applicant

By Advocate: Shri K.C. Kareer

VERSUS

1. Union of India, through
Secretary,
Ministry of Personnel,
North Block, New Delhi.
2. The Secretary,
Kendriya Bhandar,
Pushpa Bhavan, Madangir Road,
New Delhi.
3. The Chairman, Kendriya Bhandar,
Pushpa Bhavan, Madangir Road,
New Delhi.
4. The General Manager,
Kendriya Bhandar,
Pushpa Bhavan, Madangir Road,
New Delhi.
5. The Secretary,
Central Board of Higher Education,
Vachaspati Bhavan, Uttam Nagar,
New Delhi.

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Respondents

By Advocates: Mrs. Alpana Poddar, for Respondents 2 to 4
Ms. Meenakshi, for Respondent No.5

O R D E R (Oral)

(By Hon'ble Mr. J.P. Sharma, M(J)

The applicant was appointed as Helper sometimes in 1982 in the
Kendriya Bhandar which is a Cooperative Society registered under the
Delhi Cooperative Societies Act 1972. The respondent No.5 in his
reply has stated that the Central Board of Higher Education was
registered on 20.9.56 under the Registration of Societies Act 21 of
1860. A photocopy of registration certificate has been filed as
annexure-II to their reply. The grievance of the applicant is that

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he has been wrongly reverted by the respondents (Kendriya Bhandar) by the memo issued by the Secretary, Shri Kailash Chandra on 5.10.93 to his substantive post of Helper. The applicant in this application has prayed that the order issued by the respondent No.2, i.e. the Secretary, Kendriya Bhandar dated 5.10.93, be quashed and a direction be issued that the applicant is allowed to continue on the post of Jr. Salesman.

2. A notice was issued to the respondents. The Union of India, respondent No.1, did not file any reply. Respondent Nos. 2 to 4 filed their reply and respondent No.5 has also separately filed the reply.

3. All thea contesting respondents have taken the stand that the Central Administrative Tribunal has no jurisdiction in the matter as the applicant was engaged by the Kendriya Bhandar which is a Cooperative Society registered under the Delhi Cooperative Societies Act 1972.

4. The learned counsel for the applicant, however, argued that in view of the provisions defining the service matters under clause (q) of Section 3 read with Section 14(1) of CAT Act, the Tribunal has also jurisdiction as the said Society is controlled, managed and looked after on behalf of Union of India. A perusal of sub-section (2) of Section 14 goes to show that unless there is a notification issued by the Central Government, the provisions of the CAT Act 1985 shall not be applicable to the employees serving in their aforesaid Society. The learned counsel for the applicant could not show any such notification issued by the Central Government under sub-section (2) of Section 14 of the CAT Act 1985. The case therefore does not lie within the purview of the Central Administrative Tribunal and the Tribunal cannot have any jurisdiction over the service matters of the employees serving in the Kendriya Bhandar.


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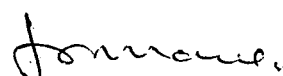
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- 3 -

5. The application is therefore not maintainable as the Tribunal has no jurisdiction to entertain the same. The application is accordingly dismissed. However, the applicant shall be free to assail his grievance in the competent forum, if so advised.

No costs.


(B.R. Singh)
Member (A)


(J.P. Sharma)
Member (J)

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