

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1040/93
T.A. No.

1993

DATE OF DECISION 21 May 1993Shri Ved Prakash Gautam & Ors ^bPetitioner

Shri BS Mainee

Advocate for the Petitioner(s)

Versus

Respondent

Union of India

Advocate for the Respondent(s)

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The Hon'ble Mr. Shri N.V.Krishnan, Vice Chairman(A)

The Hon'ble Mr. B.S.Hegde, Member (Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal? ✗

JUDGEMENT

(delivered by Shri NV Krishnan, Vice Chairman(A)

The 11 applicants were earlier employed in various capacities under the second respondent, the Director, Indian Institute of Technology, New Delhi. Their services, along with the service of certain others, have been terminated from 31-3-93 by the office memorandum dated 2-3-92 An.A.1 issued by the second respondents' office. It is stated in para 1 of the application that it is against this order that this application is made.

2. This application came up before us for hearing on admission on 13-5-93. We heard Shri BS Mainee, learned counsel for the applicant on the maintainability of this application.

3. In answer to our query, the learned counsel for the

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applicant stated that Indian Institute of Technology is wholly controlled and financed by the Govt. of India and is a local authority of the Central Government for the purpose of section 14 of the Administrative Tribunals Act, 1985- Act for short- and that no notification has been issued by the Central Govt. applying the provisions of sub-section 3 of section 14 of the Act to the Indian Institute of Technology. Even though in para 1 of the application, it is stated that the impugned order is the office memorandum dated 2-3-92 An.1 referred to above, yet the applicants do not seek any relief against the second respondents.

4. He explained that the relief sought was from the first respondent, namely, the Ministry of Energy, Department of Non-conventional Energy Sources.

5. It appears that the first respondent had initiated a scheme called the National Programme on Improved Chulhas with the object of conserving scarce ~~and~~ fuel resources. The programme was to be implemented by the second respondent i.e. the Indian Institute of Technology. Necessary funds were placed at the disposal of second respondent by the first respondent from year to year. The sanction also indicated the number of posts that can be created for operating the scheme. One such sanction/An.A-3 for the period 1-11-85 to 31-11-86. On the receipt of the sanction the second respondent created necessary temporary posts against which the applicants were employed temporarily.

6. It is now stated in para 4.18 that though the scheme was to continue during Eighth Five Year Plan, the first respondent has not communicated further extension of the sanction to the second respondent beyond 31-3-93. As a result thereof, the second respondent has issued the An.A1 order terminating the services of 15 persons which includes all the applicants.

7. The applicants state that, in ~~the~~ similar circumstances,

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this Tribunal had given directions to the Government to frame schemes to regularise the services of 'casual employees' who have put in a service of 240 days or more in a year. The applicants have cited the judgements of the Tribunal in Balwant Singh Rawat and Others, and in the case of Dalbir Singh Vs. Union of India and Shambonath Godhari Vs. UOI, all reported in 1992 (1) ATJ at pages 217, 417 & 490, respectively. In this background, the applicants have approached this Tribunal seeking the following reliefs:-

"8.2. That this Hon'ble Tribunal may be further pleased to direct the respondent No.1 to release the sanction for extension of services of the applicants as has been done in the past and reinstate the applicants.

8.3 That this Hon'ble Tribunal may be further pleased to direct the respondent No.1 to prepare a scheme for regularisation of the services of the applicants and till such time the scheme is prepared the services of the applicants be continued."

8. The learned counsel was heard at length about the maintainability of this application against the first respondent. He strongly relies on the three judgements cited by him supra. We are of the view, that this application is not maintainable for the reasons given in the succeeding paras.

9. The jurisdiction of this Tribunal is given in section 14 of the Act. This deals broadly with the different matters.

The first-referred to in section 14(1)(a)- is recruitment and matters concerning recruitment to various services or posts. Obviously, the present application is not covered by that provision.

The second relates to service matters concerning members of various services or persons appointed to various posts- other than persons taken on deputation from State Governments or local authorities- and pertaining to the service of such member or person in connection with the affairs of the Union vide section 14(1)(b). Obviously, the applicants are not at present- or before the An.1 order

was ussyed- members of any service or appointed to any posts referred to in section 14(1)(b) in connection with the affairs of the Union.

The third referred to in section 14(1)(c) ~~is service~~ is service matters pertaining to persons who have been taken on deputation in connection with the affairs of the Union from State Governments or from any local authority, corporation, society or other body. This cap also does not fit the applicants.

10. On this simple ground ~~we alone~~ have to hold that this application is not maintainable before us, because these applicants do not fall in any of the categories referred in section 14(1) of the Act and, therefore, they can neither approach this Tribunal nor can this Tribunal admit such application. The applicants in the three judgements cited by the applicants' counsel were casual labours directly employed by an official of the Government of India.

11. Further, we are also of the view that such being the case, the grievance raised by the applicants cannot by its very nature be a service matter as defined in section 3(q) of the Act. For, to become a service matter, it has to be related to the conditions of service in connection with the affairs of the Union of a person described in section 14(1) of the Act.

12. The grievance of the applicants is of a general nature, namely, that the Govt. of India has not placed funds with the second respondent in connection with the National Programme on Improved Chulhas, as it used to do earlier, as a result of which the second respondent had to terminate their services. This may be a legitimate grievance but it does not come

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within the scope of our jurisdiction. Accordingly, we find that this application is not maintainable and is dismissed.

B Hegde
(B.S. HEGDE)
Member (J)

21 May 93

N.V. Krishnan
21/5/93

{ N.V. KRISHNAN }
Vice Chairman (A)
21 May 93