

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

ALLAHABAD, THIS THE 16th DAY OF FEBRUARY, 2006.

QUORUM : HON. MR. K.B.S. RAJAN, J.M.

ORIGINAL APPLICATION NO.537 OF 2005

Mamraj Singh Tyagi, Son of Late Nain Singh Tyagi, R/O 123/23, Street No.8, Phoolbagh colony, Meerut.

..... Applicant.

Counsel for applicant : Shri Shyamji Gaur.

Versus

1. Food Corporation of India through its General manager Ansal Bhawan, Zonal Office, Northern India, 16, Kasturba Gandhi Marg, New Delhi.
2. The Pay & Accounts Officer, Ministry of Finance Department of Expenditure, Trikot-II, B hikhaji Sena Place, New Delhi.
3. The Regional Manager, Food Corporation of India, Habibulla Estate Lucknow.I.
4. The District Manager, Food Corporation of India, Vikash Manzil, Moradabad.

..... Respondents.

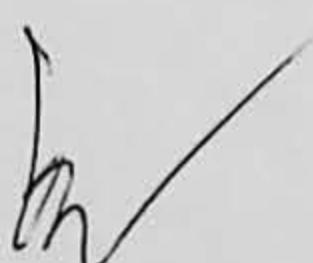
Counsel for Respondents : Sri S. Singh.

O R D E R (Oral)

HON. MR. K.B.S. RAJAN, J.M.

The applicant initially moved the Hon'ble High Court of Allahabad in Writ Petition No.2611/05 in respect of which the following order has been passed by the Hon'ble High Court vide order dated 20.1.2005 :-

"This writ petition has been filed claiming certain reliefs against the Food Corporation of India. It appears, that the petition has been filed without approaching the Learned Central Administrative Tribunal. Thus, we are not inclined to entertain the petition. Writ



Petition is dismissed as withdrawn and the petitioner is at liberty to approach the learned Central Administrative Tribunal."

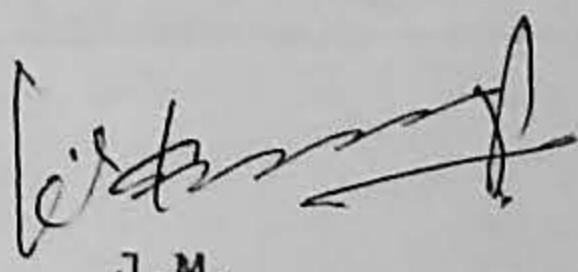
It is on that ground that this O.A. came to be filed.

2. Though the respondents have filed counter on merit, at the time of admission/hearing, the Senior Standing Counsel has submitted that since the applicant was an employee as Assistant Manager of Food Corporation of India, Chandausi, Moradabad and since F.C.I. has not been notified under the provisions of Section 14(2) of the A.T. Act, 1985, this Tribunal does not enjoy the jurisdiction to deal with the above case.

3. In all expectations, the Hon'ble High Court would have thought that F.C.I. is also on the notified institutions and hence, the above order seems to have been passed by the Hon'ble High Court. With due respect to the order of the High Court, since F.C.I. is not a notified institution, the case as of employees of F.C.I. both serving as well as retired, cannot be considered by this Tribunal on account of lack of jurisdiction.

4. This application has been filed on 16.3.2005. The applicant is entitled only to exclude the period from 16.3.2005 till date in respect of limitation to file appropriate petition before the appropriate Forum. Hence, this O.A. is dismissed as not being within the jurisdiction of this Tribunal.

No costs.



J.M.

Asthana/