

(Reserved on 29.01.2021)

Pronounced on 17.03.2021

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Present:

Hon'ble Mr. Devendra Chaudhry, Member-A

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Original Application No. 330/00709/2015

(U/S 19, Administrative Tribunal Act, 1985)

1. Smt. Chinta Devi wife of Ram Sewak Maurya, Aged about 47 years, Resident of Village-Ram Raipur. Near the Building of 1 1 CT, Post-Bhadohi, District-Bhadohi and worked in the 11 CT as Sweeper.
2. Ram Sewak Maurya s/o Ngeshwar, Aged about 50 years, Resident of Village-Ram Raipur, Near the Building of 1 1 CT, Post-Bhadohi, District-Bhadohi and worked in the 1 1 CT as Mali.

.....Applicants.

By Advocate – Shri O.P. Gupta.

V E R S U S

1. Union of India, through Secretary Ministry of Textile, Govt. of India, Sansad Marg, New Delhi.
2. Development Commissioner [Handicrafts]/Chairman Indian Institute of Carpet Technology, Ministry of Textile, Govt. of India, West Block No.-Vii, R.K. Puram, New Delhi-66.
3. Director, Indian Institute of Carpet Technology, Department of Handicrafts, Ministry of Textile, Chauri Road, Bhadohi, District-Sant Ravi Nagar.
4. Bhartiya Security Service, through its Proprietor Deena Singh S/o Brahma Dev Singh, R/o-HIG-II, VDA Colony, Phase-II, Chandramost, Varanasi.

.....Respondents.

By Advocates: Shri Udai Chandani.

ORDER

The present original application (OA) has prayed for re-engagement in service following the removal by an oral order dated 01.01.2015. by the applicants jointly being wife and husband and working on in office of Indian Institute of Carpet Technology under respondent number-3.

2. At the outset, the ld. respondent counsel has raised preliminary objection with regards to the Indian Institute of Carpet Technology (hereinafter referred to as 'Institute') being covered in the jurisdiction of this Tribunal. It is submitted that the said Institute is not covered under the list of organisations which can be dealt with by the Central Administrative Tribunal (CAT) as per Appendix-VI vide Rule 154(b) of the CAT Rules of Practice, 1993. That even otherwise the applicants are persons hired by a private agency, namely Bhartiya Security Services and not directly by the Institute which as is clear from the list of organisations as per above is by itself not covered in the jurisdiction of the Tribunal.

3. The ld. applicant counsel has repelled this challenge to maintainability of on the ground that the said Institute is registered as a society under the Ministry of Textiles, Government of India, New Delhi, Office of the Development Commissioner Handicrafts with the

Chairman being the Head of the Institute. That the institute is fully funded by the Ministry of Textiles of the Government of India and since the Ministry of Textiles is covered under the jurisdiction of the Tribunal, hence it would mandatorily follow that the Institute would also fall under its jurisdiction. That matters of the Institute have been dealt with earlier by this Tribunal as also co-ordinate benches.

4. Given the above claims and counter claims of the contesting parties, it would be well to decide the matter of maintainability of the OA in This Tribunal beforehand and only then examine the merits of the case.

5. For this purpose Rule-154 of the CAT Rules of Practice, 1993 needs to be examined and the same is accordingly reproduced herein below for ready reference:

Rule 154 CAT Rules of Practise 1993:

“(a) The scrutiny branch of the Registry shall at the time of the scrutiny make classification of the cases as follows:

(i) Depattmentwise;

(ii) Subjectwise; and

(iii) Cases which can be heard by a single member bench.

(b) the department wise classification shall be made in accordance with Appendix VI, as may be modified by the Chairman from time to time.

(c) the department wise classification shall be made in accordance with Appendix VII, as may be modified by the Chairman from time to time.

(d) the department wise classification shall be made in accordance with Appendix VIII, as may be modified by the Chairman from time to time.

(e)”

In continuation to above the concerned appendix viz Appendix VI also needs to be examined and the same is accordingly reproduced below:

Department wise list as per Appendix VI:

APPENDIX VI

[See Rule 154(b)]

Departmentwise Classification of Cases

(A) ALL-INDIA SERVICES

- 1. Indian Administrative Service.***
- 2. Indian Police Service.***
- 3. Indian Forest Service.***
- 4. Indian Foreign Service.***

(B) OTHER SERVICES REGULATED BY CENTRAL GOVERNMENT SERVICE RULES

- 1. M/o Agriculture*
- 2. M/o Chemicals & Fertilizers*
- 3. M/o Civil Aviation and Tourism*
- 4. M/o Civil Supplies, Cosumer Affairs & Public Distribution*
- 5. M/o Coal*
- 6. M/o Commerce*
- 7. M/o Communication*
- 8. M/o Defence*
- 9. M/o Environment and Forests*
- 10. M/o External Affairs*
- 11. M/o Finance*
- 12. M/o Food*
- 13. M/o Food Processing Industries*
- 14. M/o Health and Family Welfare*
- 15. M/o Home Affairs*
- 16. M/o Human Resource Development*
- 17. M/o Industry*
- 18. M/o Information and Broadcasting*
- 19. M/o Labour*
- 20. M/o Law, Justice and Company Affairs*
- 21. M/o Mines*
- 22. M/o Non-Conventional Energy*
- 23. M/o Parliamentary Affairs*
- 24. M/o Personnel, Public Grievances and Pensions*

25. *M/o Petroleum and Natural Gas*
26. *M/o Planning and Programme Implementation*
27. *M/o Power*
28. *M/o Railways*
29. *M/o Rural Development*
30. *M/o Science and Technology*
31. *M/o Steel*
32. *M/o Surface Transport*
33. *M/o Textiles*
34. *M/o Urban Development*
35. *M/o Water Resources*
36. *M/o Welfare*
37. *M/o Atomic Energy*
38. *M/o Electronics*
39. *M/o Ocean Development*
40. *D/o Space*
41. *Cabinet Secretariat*
42. *President Secretariat*
43. *Prime Minister's Office*
44. *Planning Commission*
45. *Govt. of India Press*
46. *Staff Selection Commission*

***(C) OTHER SERVICES COVERED BY CENTRAL CIVIL SERVICES
RULES, CAG, PUBLIC SECTOR, AUTONOMOUS BODIES***

51. *Comptroller and Auditor General Of Accounts*
52. *Controller-General of Accounts*
53. *Chief Election Commissioner*
54. *Planning Commission*
55. *Union Public Service Commission*
56. *U.T. of Andaman & Nicobar Islands*
57. *U.T. of Chandigarh*
58. *U.T. of Dadra & Nagar Haveli*
59. *U.T. of Daman & Diu*
60. *U.T. of Delhi*
61. *U.T. of Lakshadweep*
62. *U.T. of Pondicherry*
63. *Central Board of Trustees/Central Provident Fund
Commissioner*
64. *Employees' State Insurance Corporation*
65. *Central Board of Workers' Education*
66. *National Labour Institute*
67. *National Council of Safety in Mines, Dhanbad*
68. *Council of Scientific and Industrial Research*
69. *Central Social Welfare Board*
70. *Indian Council of Agricultural Research..."*

It will be seen from the Rule that only organisations listed in Appendix-VI are relevant organisations for the purposes of jurisdiction of the Tribunal. That apart from the various Ministries of the Government of India, institutes such as National Labour Institute, organisations like National Council of Safety in Mines, Council of Scientific and Industrial Research, Central Social Welfare Board etc are mentioned. If the intention of the rule was to have an open list of organisations falling and funded by the concerned Ministries, then, there would be no need to mention the organisations / institutes in serial (C) of the Appendix, all of which fall under some or the other Ministry of the Government of India. There is no need to elaborate as to the concerned Ministry under which or in relation to which these organisations from sl-51 to 70 are operating. In fact presumption of an open list would lead to chaos and any and every organisation under the Ministry or Department of the GoI would then ab initio ipso facto fall under the jurisdiction of this Tribunal. The intent of having any list at all would be not necessary and it would become a frivolous exercise. There is a logic and a reason therein of the competent authority in listing only specific organisations as having their service matters decided by the Tribunal constituted under Article 323-A of the Constitution of India.

6. In fact, no Institute or Organisation of the Ministry of Textiles (mentioned at Sl-37 of the Appendix list above) has been mentioned

specifically as being covered in the jurisdiction of the CAT. In the absence of a specific mention of IICT as an institute covered under the ambit of CAT, it cannot be read into the list of Institutions and no additional names can be legally added. In the event therefore, there is no legally justifiable that matters of employees of IICT as an institute be covered under CAT. As regards any earlier judgement by a co-ordinate bench or any other court in the matter, the same cannot be considered because if something has been decided wrongly / erroneously / unlawfully earlier, it does not give a law for the said Court to take up the matter again. Illegality cannot be perpetuated on the grounds of precedence. This is a well established principle and law laid down in a catena of judgements of the Hon Apex Court. Furthermore it has also laid down in a catena of judgements of the Hon Apex Court that in any rule interpretation matter, more cannot be read by the courts or the executive authority than exists in the stated language as well as the words used in the rule therein. Thus, the Hon Apex Court in the matter of Chief Justice of Andhra Pradesh v L.V.A. Dixitulu, 1979 (2) SCC 34 held that –

“..The primary principle of interpretation is that a Constitutional or statutory provision should be construed "according to the intent of they that made it"(Coke).

Normally, such intent is gathered from the language of the provision. If the language or the phraseology employed by the legislation is precise and plain and thus, by itself proclaims the legislative intent in unequivocal terms, the same must be given effect to, regardless of the consequences that may follow. But if the words used in the provision are imprecise, protean, or evocative or can reasonably bear meaning more than one, the rule of strict grammatical construction ceases to be a sure guide to reach at the real legislative intent. In such a case, in order to ascertain the true

meaning of the terms and phrases employed, it is legitimate for the Court to go beyond the arid literal confines of the provision and to call in aid other well-recognised rules of construction, such as its legislative history, the basic scheme and framework of the statute as a whole, each portion throwing light on the rest, the purpose of the legislation, the object ought to be achieved, and the consequences that may flow from the adoption of one in preference to the other possible interpretation...”

Similarly, the Apex Court in the matter of **Union of India v Deoki Nandan Aggarwal, 1991 (5) SLR 16, pp. 22,23** held that -

“...It is not the duty of the Court either to enlarge the scope of the legislation or the intention of the legislature when the language of the provision is plain and unambiguous. The Court cannot rewrite, recast or reframe the legislation for the very good reason that it has no power to legislate. The power to legislate has not been conferred on the Courts. The Courts cannot add words to a statute or read words into it which are not there. Assuming there is a defect or an omission in the words used by the legislature, the Court could not go to its aid to correct or make up the deficiency. Courts shall decide what the law is and not what it should be. The Court of course adopts a construction which will carry out the obvious intention of the legislature but could not legislate itself....”

7. In the event therefore, there is no reason to continue the illegality of considering any matter concerning IICT in this Tribunal. The applicant has full avenues for remedy in appropriate fora/court in the absence of jurisdiction of CAT and so it is not the case where the doors of relief to the applicant have been closed just because jurisdiction does not lie in this Tribunal. Therefore the applicant is at liberty to file appropriate application petition in appropriate Court for seeking redressal of the grievance and seek appropriate relief.

8. In sum therefore the OA is liable to be dismissed on grounds of lack of jurisdiction of the Tribunal and therefore the matter cannot be gone into its merits or otherwise any further.

9. The OA is accordingly dismissed on grounds of maintainability of the application. Ordered accordingly.

10. No costs.

(Devendra Chaudhry)
Member (A)

/Shakuntala/