

(Reserved on 16.09.2020)

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

Dated: This the 15th day of October 2020

Original Application No. 332/00124/2020

Hon'ble Justice Mrs. Vijay Lakshmi, Member (J)
Hon'ble Mr.A.Mukhopadhaya, Member (A)

Anupam Verma, aged about 29 years, S/o Jagat Narayan Verma, R/o Village Bhoumou, Post Asoha, District Unnao-209859.

...Applicant

By Adv : the applicant present Inperson

VERSUS

1. Chairman, Indira Gandhi Rashtriya Uran Society, B-Wing, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi - 110003.
2. Chief Vigilence Officer, Indira Gandhi Rashtriya Uran Akademi, 2nd Floor, Vigilence Headquarters, Air India Reservations Office, Besides Safdarjung Airport, Safdarjung, New Delhi - 110003.
3. Director, Indira Gandhi Rashtriya Uran Akademi, Fursatganj Airport, Amethi-229302.
4. Shri D.K. Malhotra, Purported Simulator Engineer-1, Indira Gandhi Rashtriya Uran Akademi, Fursatganj Airfield, Amethi - 229302..

...Respondents

By Adv: Shri Yogesh Chandra Bhatt

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ORDER

By Hon'ble Justice Mrs. Vijay Lakshmi, Member (J)

We have joined this Division Bench online through Video Conferencing facility.

2. The applicant is aggrieved due to the reason that in OA No. 596/2019, (which has already been decided vide order dated 07.08.2020), the counter affidavit was allegedly filed by an unauthorised person, who is holding an unapproved /non-existent post of Simulator Engineer-1, in Indira Gandhi Rashtriya Uran Academy (in short IGRUA), Fursatganj, Amethi, because according to the Instruments of Delegation of Administrative and Financial Powers, Simulator Engineer-1 has no authority to represent the organisation in any legal matter relating to IGRUA. The further contention of the applicant, who appeared in-person, is that even no authorisation letter to file counter affidavit has been annexed by the deponent namely Shri D.K. Malhotra, who had filed counter affidavit in the aforesaid OA No. 596/2019.

3. We have heard Shri Anupam Verma, the applicant, who appeared in-person and Shri Yogesh Chandra Bhatt, learned counsel for the respondents, online through video

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conferencing and perused the record available with us in pdf. form.

4. At the very outset, learned counsel for the respondents raised a preliminary objection regarding the jurisdiction of the Tribunal by contending that by virtue of Section 14 of Administrative Tribunals Act, the Central Administrative Tribunal has been authorised to entertain only "all service matters" pertaining to certain specified categories of employees whereas, the controversy involved in the present OA does not fall in the category of "service matters". The contention of learned counsel for the respondents is that filing of a counter affidavit by an allegedly unauthorised person in some case/OA, cannot be termed as a dispute in the nature of a "service matter". In this regard, our attention has been drawn to the Preamble of the Administrative Tribunals Act 1985 as well as the definition of "service matter" provided in Section 3(q) of Administrative Tribunals Act, 1985. The Preamble of the Act reads as follows: -

"An Act to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of

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service of persons appointed to public services and posts in connection with the affairs of the Union....."

Section 3 (q) of Administrative Tribunals Act 1985, provides as follows:-

"3.....(q) "service matters", in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or, as the case may be, of any corporation [or society] owned or controlled by the Government, as respects-

- (i) remuneration (including allowances), pension and other retirement benefits;
- (ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation;
- (iii) leave of any kind;
- (iv) disciplinary matters; or
- (v) any other matter whatsoever.

5. Learned counsel for the respondents contended that in view of the above, by no stretch of imagination it can be said that the controversy involved in the present

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OA, i.e. filing of affidavit by a person in some other case, without annexing an authorisation letter, is a service matter. It is further contended by learned counsel for the respondents that the case of the applicant does not come even in sub clause (v) of clause (q) of Section 3 of Administrative Tribunals Act, due to applicability of the principle of '*ejus dem generis*'.

6. In reply to this preliminary objection, raised by the learned counsel for the respondents, the applicant failed to give any satisfactory answer and he continued to argue on the same issues which have already been decided by this Tribunal vide order dated 07.08.2020 passed in OA No. 596/2019.

7. We have considered the arguments advanced by the applicant as well as learned counsel for the respondents on admission of the instant OA.


8. A perusal of record shows that earlier the applicant had filed OA No. 596/2019 challenging some appointments in IGRUA making several allegations against the Academy. That OA has already been dismissed by a Bench of this Tribunal comprising of

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Hon'ble Chairman. Thus, the OA in which the counter affidavit had been filed by Shri D.K. Malhotra, who, according to the applicant, was not authorised to file counter affidavit, has already been decided. Therefore, in our view, the challenge to the legality of filing of counter affidavit in aforesaid earlier decided OA, by means of a separate OA (the instant one) is not tenable. Moreover, filing of a counter affidavit by an unauthorised person is certainly not a service matter. It may be a civil wrong or a criminal offence, whatsoever, but it is not covered by the definition of "service matter", as provided under Section 3(q) of Administrative Tribunals Act, 1985, as quoted above.

9. It is true that Section 3(q) of the Act ends with sub clause (v) with the words 'any other matter whatsoever' but, according to rules of construction, this should be interpreted in accordance with the doctrine of '*ejus dem generis*'.

10. '*Ejus dem generis*' is a Latin term and a familiar rule of construction, which means "of the same kind". The rule says that when a law provides a list of classes of




persons or things or situations, ending with the words "any other matter or any other person", those words should be interpreted as being "of the same kind". Thus, the concept of '*ejus dem generis*' is used to clarify such lists.

11. Hon'ble Supreme Court in the case of **M/s Sidheshwari Cotton Mills (P) Vs. Union of India and another** – (1989)2 SCC 458 has observed as under: -

"The principle underline the statutory construction is that the subsequent general words are only intended to guard against some accidental omission in the objects of the kind mentioned earlier and were not intended to extent the objects of a wholly different kind."

12. In view of the aforesaid interpretation, we are of the firm view that the present matter is not a service matter and does not fall within the jurisdiction of this Tribunal. Therefore, the instant OA being not maintainable is liable to be dismissed at the admission stage itself.



13. Before parting with the judgment, we would like to quote some lines of the judgment passed by ~~the co-~~^{AD}ordinate ~~Bench~~^{AD} of this Tribunal in earlier OA No. ~~596~~^{AD}/2019 decided on 07.08.2020, (in which OA, the alleged unauthorised person has filed the CA) just to show how the applicant, who appears to be a habitual litigant, is continuously harassing the respondents through so many rounds of frivolous litigation. This fact was also noticed by Hon'ble Division bench, while disposing of the OA No. 596/2019, wherein it has been observed as under : -

"Rarely, we come across an instance of a youngster wasting his energy and resources for unproductive purposes as did the applicant in this OA.

The manner in which he targeted, if not harassed, the Indira Gandhi Rashtriya Uran Akademi....and its senior officials is indeed shocking.

Before parting with the case, we hope that the applicant would at least now onwards desist from indulging in acts of harassing an organization like the 3rd respondent (meaning IGRUA) and would make efforts to build his career. But for the fact that he is now said to be a practising Advocate, we would have considered the feasibility

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of imposing heavy cost for filing such frivolous litigation."

14. It is noteworthy that the applicant, despite the aforesaid clear warning, has once again filed the instant OA on frivolous grounds, which are not even maintainable due to lack of jurisdiction, just to cause harassment to the respondents.

15. In view of the above, this OA is liable to be dismissed with cost.

16. The OA is accordingly dismissed with a cost of Rs. 10,000/-. The applicant is directed to pay the amount of cost within one month from the date of this order to the respondent No. 3, Director IGRUA. In the event of non payment within the stipulated period, the same shall be recovered as an arrear of Land Revenue.

member (A)

member (J)

Anand...