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Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A.No. 689 of 1986

Badri Prasad Gupta Applicant

Vs.

M.L.Dwivedi, Coordinator
Nehru Yuvak Kendra and
another Respondents.

Hon. D.S.Misra, AM
Hon. G.S.Sharma, JM

(By Hon. G.S.Sharma, JM)

This petition under Section 19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act) was filed on 18.11.1986 for a declaration that the applicant is a regular class IV employee of the Nehru Yuvak Kendra (for short NYK) Allahabad and for arrears of salary from 3.10.1985 to 31.10.1986. At the time of admission, we entertained doubts about the maintainability of this petition as it was not clear as to whether NYK was a department of the Government of India or an independent or autonomous body. Notice was accordingly issued to the respondents to show cause. Reply was filed on behalf of the respondents without disputing the jurisdiction of the Tribunal. The respondents thereafter filed the copy of resolution dated 25.2.1987 of the Ministry of Human Resources Development, Department of Youth Affairs and Sports, Government of India resolving that the objectives behind the NYKs could be ^{better} achieved by converting the Kendras into ^{an} ~~the~~ autonomous society under the Societies Registration Act. The NYK Sangathan has also been registered as a Society and it has now become an autonomous body and is no more a Department of the Government of India.

2. The question regarding the jurisdiction of this Tribunal over the NYKs is ^{has been} ~~still~~ not solved by the aforesaid resolution and from the facts stated above it now emerges that at the time this petition was filed, the NYK Allahabad of which the applicant claims himself to be an employee was a Department of the Government of India and the jurisdiction of the Tribunal extended to the NYKs like other Departments of the Government of India. The position has since been changed on the formation of the NYKs as Sangathan under the Societies Registration Act. There has been no notification under Section 14(2) of the Act so as to bring this Sangathan under the jurisdiction of this Tribunal. Under the changed circumstances of this case, in our opinion, Sub-Section (6) of Section 29 inserted by Administrative Tribunals (Amendment) Act (51 of 1987) becomes applicable to this case. This sub-Section runs as follows :-

"(6) Every case pending before a Tribunal immediately before the commencement of the Administrative Tribunals (Amendment) Act, 1987, being a case the cause of action whereon it is based is such that it would have been, if it had arisen after such commencement, within the jurisdiction of any Court, shall, together with the records thereof, stand transferred on such commencement to such court."

3. On the formation of the NYKs as a Sangathan and on its registration as a Society under the Societies Registration Act, this Tribunal has no jurisdiction in respect of the service matters of any employee of the Sangathan at present unless a notification under Sub-Section (2) of Section 14 of the Act is issued. In case the cause of action whereon the present petition is based would have arisen after the aforesaid amendment in the Act, it would have been within the jurisdiction of some Court- whether a Civil Court or the High Court. Therefore,

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under Sub-Section (6) of Section 29 of the Act, this case stood transferred to such Court on the commencement of the A-mendment Act w.e.f. 22.12.1987. So, this Tribunal though had jurisdiction to entertain the present petition at the time of its presentation, has lost its jurisdiction w.e.f. 22.12.87 and we have now no jurisdiction to dispose it of.

4. It is accordingly ordered that the record of this case be transmitted by the Registry to the competent Court expeditiously. There will be no order as to costs.

Sharma
23.3.88
MEMBER (A)

Sharma
MEMBER (J)

Dated: March 23, 1988
kkb.