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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.717 of 1987

(W.P. 4969 of 1981)

M.N.Mukherjee Vs. Union of India & Others.

Hon. S.Zahoor Hasan, V.C.  
Hon. Ajay Johri, A.M.

(By Hon. Ajay Johri, A.M.)

Writ Petition No. 4969 of 1981 M.N.Mukherjee Versus Union of India & Others has been received on transfer to this Tribunal from the Hon'ble High Court of Judicature at Allahabad under Section 29 of the Administrative Tribunals Act XIII of 1985. The petitioner is challenging the constitutional validity of clause 17 of the Terms and Conditions for the approved Guides, provided for by the Director General of Tourism, Government of India, New Delhi. The Clause 17 reads as follows :-

" 17. When a guide attains the age of 60 years the identity card issued to him/her will not be renewed further."

The petitioner was issued Identity Card in 1962 which was renewed every year by the respondent. The Identity Card issued to the petitioner contains the following terms :-



1. He would carry with him this Identity Card issued to him and also wear the arm band provided by the Department of Tourism while accompanying tourists.



2. He would charge guide fee only at the rates fixed by the Department of Tourism.

3. He would not lend his Identity Card/ diploma to other persons.

4. He would not in any case solicit/or accept tips or other material gains from tourists or others.

5. He would show on demand his Identity Card or other documents issued by the Department of Tourism to the Officers-in-Charge of monuments.

2. The petitioner was a Licenced Guide and has been engaged in the profession as a Guide on the basis of a licence issued by Respondent No.2. The scheme of Guide is that the Department of Tourism organizes courses after inviting applications from suitable persons, interviewed interviews them and selects them for training. After training the candidates undergo a examination and are issued Identity Cards and thus they become approved Guides. It is evident from this that the petitioner is not a holder of a Civil post and therefore does not fall in the category of a Govt. servant. In this view of the matter, we have no jurisdiction to decide this petition. The file of the writ petition No.4969 of 1981 be retransmitted to the Hon. High Court of Judicature at Allahabad.



Sd-  
Vice Chairman

31st Aug., 1987

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Sd-  
Member (A)

*D. S. Dubey*  
(D. S. DUBEY)  
SECTION OFFICER  
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