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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Original Application No. 413 of 1987

Iqbal Singh Applicant.

Versus

Cantonment Board, Kanpur Respondent.

Hon'ble D.S. Misra, A.M.

Hon'ble G.S. Sharma, J.M.

(Delivered by Hon. D.S. Misra, A.M.)

In this application under Section 19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act) the applicant has challenged the order dated 6.4.1987 passed by the Cantonment Board, Kanpur extending the probationary period of the applicant for three months.

2. The applicant on his own showing is an employee of Cantonment Board, Kanpur and the Registry has reported that his case does not fall within the jurisdiction of this Tribunal without a notification under Section 14(2) of the Administrative Tribunals Act.

3. We have heard the learned counsel for the applicant on the question of jurisdiction of this Tribunal. The learned counsel for the applicant contended that the applicant was a civilian working on a post under the Cantonment Board which is connected with defence matters and, therefore, this Tribunal has jurisdiction under sub-clause (iii) of clause (b) of sub-section (1) of Section 14 of the Act. Section 14 (1) reads as follows :

"14. Jurisdiction, powers and authority of the Central Administrative Tribunal. - (1) Save as otherwise expressly provided in this Act, the

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Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court in relation to -

(a) recruitment, and matters concerning recruitment, to any All India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) all service matters concerning -

(i) a member of any All-India Service; or
(ii) a person (not being a member of an All-India Service or a person referred to in clause (c) appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian not being a member of an All-India Service or a person referred to in clause (c) appointed to any defence services or a post connected with defence,

and pertaining to the service of such member, person or civilian, 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 of any corporation or society owned or controlled by the Government;"

4. It has been contended that a Cantonment Board is created for defence purposes and under list I of the VII Schedule to the Constitution the Central Government alone has the right to make laws regarding the Cantonment Board, etc. On this ground it was contended that the applicant should be taken to be an employee of the Defence

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Service and his case lies well within the jurisdiction of the Tribunal as an employee of the Government of India.

5. We have examined the matter but find ourselves unable to agree with this contention. The Cantonment Boards are created under Section 10 of the Cantonments Act, 1924. According to Section 11 of the said Act a Cantonment Board ^{corporate} is a body/having perpetual succession and it is not a department of the Government of India. Thus a Cantonment Board is either a local authority or a body corporate and its employees will not fall within sub-clause (iii) of clause (b) of sub-section (1) of Section 14 of the Act. Only such employees of the local or other authorities are to be governed by this clause which are on deputation with the Government of India. In the present case the applicant was appointed by the Cantonment Board, Kanpur itself and not by the Government of India. His case is, therefore, not covered under this Act.

6. In view of the above discussion ^{and} in the absence of a notification of the Central Government under sub-section (2) or (3) of Section 14 of the Act, the Central Administrative Tribunal will not be able to exercise its jurisdiction in respect of the service matters of the employees of a local authority like a Cantonment Board. This matter has been examined by this Bench of the Tribunal and other Benches of the Tribunal a number of times and it has been repeatedly held that this Tribunal has no jurisdiction to hear and adjudicate on the grievance relating to the service matters of the employees of a Cantonment Board.

7. For the reasons mentioned above the application

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is dismissed at the admission stage. We make no order as to costs.

B.M. 17/5/87
A.M.

J.M.
17/5/87

Dated: May 12, 1987.

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