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Central Administrative Tribunal, Allahabad.

Registration O.A.No.554 of 1987

Harish Kumar Vaish ... Applicant

Vs.

The Zonal Manager, Food
Corporation of India and
another

.... Respondents.

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

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

The applicant serving as Assistant Grade III in the Regional Office of the Food Corporation of India (for short FCI) at Lucknow has presented this petition under Section 19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act XIII) challenging certain orders regarding his seniority. Regarding the maintainability of this petition, in the absence of a notification under Sub-Section (2) of Section 14 of the Act XIII, the contention made on behalf of the applicant is that his case falls under clause (c) of Sub-Section (1) of Section 14 of the Act XIII and as such, it is maintainable before this Tribunal without any notification. The learned counsel for the applicant has canvassed that Sub-Section (2) makes a provision only for future and under clause (c) of Section 14(1) of the Act XIII, an employee of a Corporation owned or controlled by the Central Government can move a petition under Section 19.

2. After giving our anxious consideration to the contention raised on behalf of the applicant, we find ourselves unable to accept the same. For the sake of

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convenience, clause (c) on which reliance has been placed by the applicant is reproduced below :-

"(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation (or society) or other body, at the disposal of the Central Government for such appointment."

3. FCI, of which the applicant is an employee, is a corporation and not a department of the Government of India. Clauses (a) and (b) of sub-section (1) of Section 14 apply to the full-fledged central Government employees and, in our opinion, clause (c) applies only to such employees of the State Governments, Local or other authorities, corporation, or other societies, whose services are placed at the disposal of the Central Government for such appointment and their service matters pertain to service in connection with the affairs of the Union of India. In other words, clause (c) applies to such employees of the State Governments, corporations etc., who are on deputation and their services are placed at the disposal of the Central Government in connection with its affairs. It is not the case of the applicant that he is on deputation with the Central Government and as such, his case is not covered under clause (c) of Section 14(1) and unless a notification is issued under sub-section (2), his petition cannot be entertained under Section 19 of the Act XIII.

4. The petition is accordingly dismissed as not maintainable.

[Signature]
Member (A) 31/7/87

[Signature]
31/7/87
Member (J)

Dated 31.7.1987
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