

Central Administrative Tribunal, Allahabad.

Registration O.A.No.644 of 1987

Smt.Renu Roy .... Applicant

Vs.

Manager,Sri Ram Singh Kanya ... Respondents.  
Pathsala Agra and 4 others

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

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

This petition under Section 19 of the Administrative Tribunal Act XIII of 1985 (hereinafter referred to as the A.T.Act) has been filed by the applicant challenging her removal from service and other consequential reliefs. The applicant was in the employment of Sri Ram Singh Kanya Pathsala at Agra which is stated to be under the control of the U.P.State. On her own showing she is not an employee of the Central Government and at the best she was an employee of the State Government. It has been alleged in the petition and was also contended before us that in view of the overriding provisions of Section 33 of the A.T.Act read with Sections 28 and 29 of the A.T.Act and Section 2 of the U.P.Public Services (Tribunal) Act, 1976 and sections 6 and 9 of the Code of Civil Procedure, this Tribunal has jurisdiction to try her case. It was also contended that her contention finds support from a Full Bench decision of the Allahabad High Court published in Times of India of 17.1.1987 issue.

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We have carefully considered the contentions raised on behalf of the applicant and find that they are seriously misconcieved. The Central Administrative

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Tribunal was established primarily to deal with the service matters of the employees of the Central Government and for the service matters of the employees of such other Corporations or Societies owned or controlled by the Government of India and notified under sub-section (2) of Section 14 of the Act. A separate provision has been made in this Act for the constitution of State Administrative Tribunals under Section 15 of the A.T.Act. Such Tribunals are to be established on the request of the concerned State Governments. In Uttar Pradesh, no such request has been made as the State has already its own Service Tribunals under the provisions of U.P. Public Services (Tribunal) Act, 1976. Section 33 of the A.T.Act will have an overriding effect only in respect of the Tribunals constituted under this Act. The Full Bench of the High Court, Allahabad in its judgment dated 17.1.1987, on which the applicant has placed his reliance, has simply held the validity of the A.T.Act and had further held that the Central Administrative Tribunal will have jurisdiction to hear the writ petitions pertaining to service matters pending in the High Court before the establishment of the Tribunal. There is no decision to the effect that the A.T.Act will apply to the service matters of even the State Government employees. This Tribunal has, therefore, no jurisdiction to hear the grievance of the applicant raised in her petition for want of jurisdiction.

3. The petition is accordingly dismissed at the admission stage.

Bhawan  
12.8.87

MEMBER(A)

Dated 12.8.1987  
kkb

Subhash  
12/8/87

MEMBER (J)