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CENTRAL ADMINISTRATIVE TRIBUNAL
ALIAHABAD BENCH

Registration O.A. No. 472 OF 1988
Shri Prakash Chand ... Applicant

versus

Union of India and ors ... Respondents

Hon' K. Obayya, A.M.

Hon' S.R. Sagar, J.M.

(By Hon' S.R. Sagar, J.M.)

This application under section 19 of the Administrative Tribunals' Act, 1985, has been filed by the applicant Prakash Chand for directions to the respondents to regularise his services as Group 'B' since 14-2-1986, from which ^{date} his juniors have been regularised.

2. This application is pending disposal and reply has not so far been filed on behalf of the respondents. In the meantime a Misc. Application No. 264/9/ 1990 has been moved by the applicant to request to pass an appropriate order regarding jurisdiction in view of the facts stated in the accompanying affidavit. It is stated in the affidavit that being aggrieved of the illegal and arbitrary act of the respondents, the applicant filed a writ petition No. 4733 of 1988, Prakash Chand vs. Director General, Civil Aviation and ors before the Hon'ble High Court at Allahabad which was dismissed ^{the ground that the application is} ~~on~~ alternative remedy before this Tribunal. It has further been stated that the respondents ^{shall} raised objection regarding maintainability of the claim application, as the matter relates to the service of the employees of the

National Air Port Authority of India, in view of the judgment dated 6-1-1989 delivered by this Tribunal. The applicant has, therefore, prayed that in case this Tribunal is of the view that it has no jurisdiction to decide this case, the applicant's claim application be dismissed with the permission to the applicant to invoke suitable remedy in proper forum.

3. We have heard the arguments and have gone through the record.

4. Jurisdiction, powers and authority of the Central Administrative Tribunal are prescribed in Section 14 of the Administrative Tribunals' Act, 1985. In sub section (2), it is laid-down that the Central Government may, by notification, apply with effect from such date as may be specified in the Notification, the provisions of sub section (3) to local or other authorities within the territory of India or under the control of Government of India and to Corporations (or Societies) owned or controlled by the Government, not being a local or other authority or Corporation (or Society) controlled and owned by the State Government:

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations (or societies).

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5. It is clear from the said Section 14 that the Air Port Authority is not covered under sub-section (1). With respect to the application of sub-section (2) of Section 14, the Air Port Authority is not covered by the Notifications issued from time to time by the Central Government under the said Section 14(2). Clearly, therefore, the case of the applicant is beyond the jurisdiction of this Tribunal.

6. According to the affidavit of the applicant himself the Tribunal has already held as early as on 6-1-1989 that the matters relating to the service of the employees of the National Air Port Authority of India are ^{not} maintainable before the Tribunal. No notification which might have been issued by the Central Government after the said date i.e. 6-1-1989 ^{bringing} preventing the National Air Port Authority within the purview of the Central Administrative Tribunal has been shown to us. The parties have also not shown any provisions of law to us whereby it can be said that the Tribunal has jurisdiction over the matter in dispute in this application.

7. In view of the above, we are of the view that the O.A. No. 472/88 is not maintainable in this Tribunal for want of jurisdiction and consequently the application is hereby dismissed as not maintainable. The applicant is not however, precluded from seeking his remedy before a competent authority or Court of jurisdiction, if so advised.

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8. The Misc. Petition No. 264 /9 of 1990
and O.A. No. 472 of 1988 stands with disposed of
accordingly.

(sns)

Member (J)

October 4, 1990

10/10/90

R. Bhagat
Member (A)

Allahabad.