

(12)

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

ALLAHABAD this the 6<sup>th</sup> day of **November, 2008.**

**HON'BLE MR. A. K. GAUR, MEMBER- J  
HON'BLE MRS. MANJULIKA GAUTAM, MEMBER-A**

**Original Application No. 375 OF 2002**

Dr. Gokul Mohan Gopal, Son of late Sri Ram Charan Dass, Resident of 113/ 13, Johnstongan Allahabad.

.....Applicant.

**V E R S U S**

1. Union of India through Secretary, Ministry of Defence, Government of India, New Delhi.
2. General Officer Commanding in Chief Central Command Lucknow.
3. Cantonment Board, Allahabad through its Executive Officer.

.....Respondents

Present for the Applicant:	Sri S. Mukherjee
	Sri S.K. Mishra
Present for the Respondents :	Shri M.I. Khan
	Sri P. Mathur

**ORDER**

**Delivered : by Hon'ble Mr. A.K. Gaur, Member-J :**

Learned counsel for the applicant invited out attention to the order of Hon'ble High Court dated 16.10.2000, wherein the Hon'ble High Court has observed the following order :-

*"It would appear that the petitioner claimed selection grade on the basis of an award dated 4.3.1960 given by the Nation Industrial Tribunal of India at Bombay dated 4.3.1960 in Reference No. (NT) 2 of 1958, a copy of which has been annexed as Annexure-1 to the Writ Petition. The relevant part of the award reads thus :-*

*"As to the teaching staff, Doctors and Engineers (above the Overseer's grade), they will be entitled to pay and allowance at the same rates as are applicable from time to time to the corresponding categories of employees of similar status serving under the*

Government of the State in which the Cantonment is situated provided that they hold the requisite qualifications laid down by the State Government. Doctors who are not allowed private practice will be given 25 percent on the basic pay as non-practicing allowance subject to a minimum of Rs.75/- per month".

It has been submitted by Sr. A.P. Shahi, learned counsel appearing for the petitioner that pursuant to the award aforestated the petitioner was entitled to grant of selection grade in which the Doctors of similar status are working under the State Government. Petitioner's claim, it is further submitted by Sri A.P. Shahi, has been illegally rejected on a misconstruction of the Government Order dated 3.6.1989 and on non-consideration of the Government Orders dated 4.4.1990 and 9.5.1990. The petitioner has already retired from service and, it is submitted by learned counsel, he has made a representation for reconsideration of the matter at the level of G.O.C. in-Chief, Head quarter, Central Command in the light of the award and the Government Orders aforestated.

We have heard Sri A.P. Shahi in view of the decision of the Apex Court in L. Chandra Kumar Vs. Union of India reported in J.T. 1997 (3) 589, the petitioner's remedy is to approach the Central Administrative Tribunal after the decision of his representation dated 6.10.1998 annexed as Annexure-7 to the writ petition. It is, however, observed that the Competent Authority will consider and dispose of the representation in accordance with law by passing a reasoned order within two months from the date of production of a certified copy of this order."

2. Shri P. Mathur, learned counsel for the respondents submitted that this Tribunal has got no jurisdiction and this matter is not cognizable in view of the decision rendered in the case of Miss T. Ponnamma Vs. Union of India & ors. reported in 1987 (3) ATC 310.

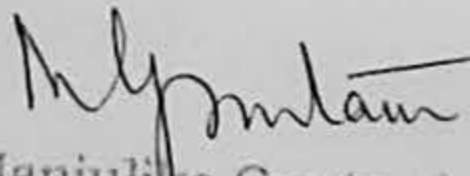
3. Having heard the parties counsel, a quarry was put to learned counsel for the applicant that whether any notification under Section 14 (2) of the A.T. Act has been issued notifying Cantonment Board ?. He submitted that no such notification has been issued. Although, the Hon'ble High Court has passed an noccus direction that in view of the decision of Apex Court in L. Chandra Kumar Vs. Union of India

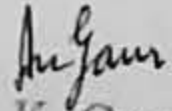


reported in J.T. 1997(3) 589, the petitioner's remedy is to approach the Central Administrative Tribunal. Learned counsel for the applicant submitted that he has approached this Tribunal in pursuance of the order of the Hon'ble High Court.

4. We have carefully considered this crucial aspect of the matter and in our considered view when there is no such notification under Section 14 (2) of the A.T. Act, and in view of the decision rendered by a coordinate Bench of this Tribunal in Miss T. Ponnammamma's case (supra), this Tribunal has no jurisdiction to hear cases pertaining to Cantonment Board. The proper course for the applicant is to approach the Hon'ble High Court or any other appropriate forum, if he so desires but not the Tribunal.

5. In view of the above, the OA is dismissed. No costs.

  
(Manjulika Gautam)  
Member (A)

  
(A.K. Gaur)  
Member (J)

RKM/