

Coram : Hon'ble Mr. D.S.Misra : Administrative Member
Hon'ble Mr. P.M.Joshi : Judicial Member

ORAL ORDER

Date: 13/10/1988

Per: Hon'ble Mr. P.M. Joshi : Judicial Member

The petitioner Shri N.K.Rattan working as Assistant Communication Officer, (in A.C.S. Airport at Ahmedabad) has filed this application under Section 19 of the Administrative Tribunals Act, 1985 (hereinafter referred to as "the Act") on 28.6.1988. The petitioner had initially impleaded the Chairman and the Regional Director of the National Airport as respondents Nos.1 & 2. Later on, he has joined the Union of India in place of the Chairman as the respondent by way of amendment. He has prayed that the respondents be directed to promote him as a Communication Officer by modifying the list of 30.5.1988 by including his name and promote him from the said date. He has challenged the validity of the order dated 30.5.1988, whereby ten employees serving under the National Airport Authority (Corporation) are promoted to the post of Communication Officer on adhoc basis for a period upto 31.8.1988 or till the vacancies are filled up on regular basis.

2. In response to the notice served upon the respondent, a preliminary objection has been raised by them, that the impugned order has been passed by the National Airport Authority which is an independent and autonomous body duly constituted under "the National Airport Authority Act 1985" (Central Act No.10 of 85), which has come into force on and from 1.6.1986. Mr.Ajmera, the learned counsel for the respondent has contended that no notification is issued by the Central Govt. extending the coverage of the said authority, within the jurisdiction of this Tribunal as required under Section 14 of the Act (Administrative Tribunals Act, 1985). It is, therefore, submitted that

the dispute raised in the application cannot be entertained by this Tribunal and it is therefore liable to be rejected. However, on the contrary Mr.K.K.Shah, the learned counsel for the petitioner has taken us through the provisions contained under 13 G of the Act. No 10 of 85, which according to him protects ^{the} conditions of the services of the deputationists and the issues pertaining to the properties in respect of which litigation is pending under saving ^{according to him} clause, which entitle him to claim his relief by filing an application under "the Act".

3. It is undisputed that the petitioner is an employee of the Union of India and he is on deputation with the National Airports Authority and as such, he discharges his duties as Assistant Communication Officer. It is pertinent to note that the terms of the deputation of his services are not in question. By filing this application, he has claimed promotion to the grade of Communication Officer which according to him is denied to him under the orders passed by the authority. ^{and} In ^{substance} ~~fact~~, his grievance is directed against the action of the authority, namely National Airport Authority, which has passed the impugned order. But the said Authority is not covered under the jurisdiction of this Tribunal. Thus, the application, wherein the dispute is raised regarding the claim for the promotion alleged to have been denied by the Authority cannot be considered and adjudicated by this Tribunal. The application is, therefore not entertainable for want of jurisdiction. With these observations, the application is rejected at the stage of admission.

7

..3..

During the course of his arguments, Mr.K.K.Shah the learned counsel for the petitioner, has requested us to place this matter before a larger Bench of the Tribunal as the question raised in the matter is of wide importance. We do not find any merits in his request and accordingly the same is rejected.


(P.M.Joshi)
Judicial Member


(D.S.Misra)
Administrative Member

a.a .bhatt