

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. No. 338/91

198x

~~Ex No.~~

DATE OF DECISION 20.11.1991

Shri Kaushik V. Bhatt Petitioner

Mr. P.H. Pathak Advocate for the Petitioner(s)

Versus

Union of India & Anr. Respondent

Mr. P.M. Raval Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Judicial Member

The Hon'ble Mr. S. Gurusankaran : Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *Yes*
4. Whether it needs to be circulated to other Benches of the Tribunal. *no*

Shri Kaushik V. Bhatt,  
Telephone Operator,  
MTX Nadiad.

: Applicant

(Advocate: Mr.P.H.Pathak)

Versus

1. Union of India  
Through:  
Chief General Manager,  
Gujarat Telecom Circle  
Ramnivas, Khanpur,  
Ahmedabad.
2. Mr.R.W. Tidke,  
Vice Chairman of Divisional  
Tournament Committee &  
Welfare Officer &  
Secretary, Gujarat Regional  
Telecom Sports & Cultural  
Board, Ahmedabad-1.

: Respondents

(Advocate: Mr.E.A.Samuel for  
Mr.P.M.Raval.)

J U D G M E N T

O.A./338/91

Date: 20.11.91

Per: Hon'ble Mr. R.C.Bhatt

: Judicial Member

This application under Section 19 of the Administrative Tribunals Act, 1985 is filed by a Telephone Operator working at MTX Telephone Office at Nadiad for a declaration that the action on the part of the Respondents Gujarat Telecom Circle of <sup>the and other</sup> non-communication of the chess tournament held at <sup>L</sup> Junagadh from 24.7.91 to 26.7.91 as arbitrary, illegal and violative of Article 14 of the Constitution of India and to direct the respondents to allow the applicant to participate in All India Chess Tournament. The applicant has further prayed to quash and set aside the result of the Regional Chess selection held at Junagadh between 24.7.91 to 26.7.91 and to direct the respondents to

conduct the Regional Selection afresh or to direct the respondents to hold a competition between the winner of Regional Chess selection and the applicant immediately. The respondents have resisted this application by filing a reply and the applicant has filed rejoinder.

2. The first question which arises for our consideration is as to whether the present application can be considered as a service matter as defined in Section 3(q) of the Administrative Tribunals Act, 1985.

3. The definition of the service matter in Section 3(q) is as under:-

"service matter", in relation to a person, means all matters relating, to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or, as the case may be, of any corporation (or society) owned or controlled by the Government, as respects-

- (i) remuneration (including allowances), pension and other retirement benefits;
- (ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation;
- (iii) leave of any kind;
- (iv) disciplinary matters; or
- (v) any other matter whatsoever; "

4. The learned advocate for the applicant has put emphasis on the item (v) of Section 3(q) "any other matter whatsoever". He relied on the decision in *Milon Das vs. Postmaster General, N.E. Circle, Shillong and Others* (1987) 3 Administrative Tribunals Cases page 965 in which it is held that a dispute relating to unauthorised occupation of Government accommodation by an employee is not a "service matter" attracting jurisdiction

of the Tribunal. However, it is also observed in para 7 of the judgment that " the 'service matters' in the present day administration is so expansive that no list of it, however large, may be exhaustive. Apart from the subjects specified in sub-clauses (i) to (iv) of clause (g), the subjects like transfers, deputations and trainings are obviously service matters which may cause a grievance and raise a dispute. The legislature therefore thought it necessary to provide for a residuary clause which will be the most comprehensive and to which the rule of ejusdem generis would not apply whether a particular subject is a service matter or not may be known only when it is named." The learned advocate for the applicant relying on this decision submitted that the term service matters is of wide connotation. He also invited our attention to the full Bench decision in Rasila Ram & Ors. vs. Union of India & Ors. Full Bench Judgments (CAT) (1986-89) page 346. in which it is held that allotment and cancellation of public premises being service matters, the consequent order of eviction and charging penal rent are also service matters.

5. Now these two judgments do not help applicant in the  
light of the facts of the present case. The grievance of the applicant in the case before us is that the respondent No.2. Vice Chairman of Divisional Tournament Committee and Welfare Officer & Secretary, Gujarat Regional Telecom Sports and Cultural Board, Ahmedabad-I has shown inaction in informing the applicant to participate in the Regional Chess selection trial held at Junagadh between 24.7.1991 to 25.7.1991. It is the

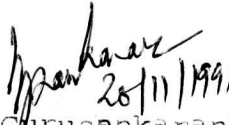
case of the applicant that he was one of the winner in the ~~Inter~~ Divisional Chess Tournament and due to inaction on the part of the respondents, he is not allowed to participate in the Regional Tournament and as a result, the applicant will not be able to participate in All India Chess Tournament held on 23.10.1991 and therefore, it has resulted into great hardship and gross injustice to the applicant.


6. Since 23.10.1991 has already passed away, this matter is of academic interest as to whether a dispute regarding a question of applicant's participation in the Regional Chess Tournament is a service matter or not. In the instant case, merely because the applicant is a servant of the respondent and that he is entitled to participate in Chess Tournament, it could not be said that inaction on the part of the respondents to inform the applicant to participate in the Regional Chess Tournament is an infringement of his right included in the service matter. If we read Section 14 of the Administrative Tribunals Act, 1985 along with Section 3(q) of the Act it will be found that this present dispute of the applicant will not fall under the subject 'service matters'. The Welfare Department Organisation conduct the tournament in order to attract the best talent but that by itself would not mean that if the applicant has any grievance against the authorities for not informing him for participation in the Regional Chess Tournament, it is a violation of his service matters. If the submission of the learned advocate for the applicant is accepted, any dispute that may crop<sup>up</sup>/or arise in the

case of the applicant that he was one of the winner in the ~~Inter~~ Divisional Chess Tournament and due to inaction on the part of the respondents, he is not allowed to participate in the Regional Tournament and as a result, the applicant will not be able to participate in All India Chess Tournament held on 23.10.1991 and therefore, it has resulted into great hardship and gross injustice to the applicant.

6. Since 23.10.1991 has already passed away, this matter is of academic interest as to whether a dispute regarding a question of applicant's participation in the Regional Chess Tournament is a service matter or not. In the instant case, merely because the applicant is a servant of the respondent and that he is entitled to participate in Chess Tournament, it could not be said that inaction on the part of the respondents to inform the applicant to participate in the Regional Chess Tournament is an infringement of his right included in the service matter. If we read Section 14 of the Administrative Tribunals Act, 1985 along with Section 3(q) of the Act it will be found that this present dispute of the applicant will not fall under the subject 'service matters'. The Welfare Department Organisation conduct the tournament in order to attract the best talent but that by itself would not mean that if the applicant has any grievance against the authorities for not informing him for participation in the Regional Chess Tournament, it is a violation of his service matters. If the submission of the learned advocate for the applicant is accepted, any dispute that may crop<sup>up</sup> or arise in the

selection trial in the tournament may also be argued to fall under the heading 'service matters' which cannot be the intention of the legislature. Moreover, in some case, the department may not be able to spare the participant in the tournament and in such case can an aggrieved person bring the case before this Tribunal relying on the definition of Section 3 (q), even if we give the liberal and wide meaning to the residuary clause of Section 3 (q). The two authorities on which the applicant relief related the matters which had a direct nexus with the service conditions of the applicant of those cases. The service matters include condition of service starting with recruitment and may include appointment, lien, transfer, promotion, seniority, privileges of youth, joining time, confirmation salary allowances and other remuneral, disciplinary actions and procedures, retirement conditions and benefits, some time post retirement benefits also. The definition given in section 3 (q) is no doubt wide but the dispute which has been raised by this applicant about the inaction of the respondents in informing him about the Regional Chess selection trial would not cover that definition by any stretch of imagination. The decisions relied on by the learned advocate for the applicant do not apply to the facts of the present case for the reasons stated above. In our opinion, we have no jurisdiction under Section 14 of the Administrative Tribunals Act to entertain such a dispute as it does not fall within the definition of Section 3 (q) of the Act. The result is that the application shall have to be dismissed. The application is dismissed.

  
(S. Gurusankaran)  
Member (A)

  
(R.C. Bhatt)  
Member (J)