

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 705 of 1993

Cuttack, this the 26th day of July, 1999.

Prafulla Kumar Moharana. Applicant.

Versus.

Union of India & Others. Respondents.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? Yes,
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
26.7.99

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

ORIGINAL APPLICATION NO. 705 OF 1993.
Cuttack, this the 26th day of July, 1999.

CORAM :

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER(JUDICIAL).

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Prafulla Kumar Moharana,
aged about 32 years,
Son of Kasinath Moharana,
at present residing at E/906,
Basanti Colony, Rourkela, Ps. Plantsite,
Dist. Sundargarh. ... Applicant.

By legal practitioner : M/s. R. N. Naik, A. Deo, B. S. Tripathy,
P. P. Panda, D. K. Sahu, Advocates.

-Versus-

1. Union of India represented by its Secretary, in the Department of Health, New Delhi.
2. Indian Council of Medical Research, represented through its Director, 22, Shomnath Marg, New Delhi-54.
3. Director, Malaria Research Centre, Indian Council of Medical Research, 22, Shomnath Marg, New Delhi-54.
4. Office-in-charge, Malaria Research Centre, Field Station No-18, Civil Township, Rourkela-4, Dist. Sundergarh. Respondents.

By legal practitioner : Mr. A. Routray, Additional Standing Counsel (Central).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for quashing the order dated 26-2-1992 (Annexure-2) in which he has been removed from service. He has also asked for a direction to Respondents to forthwith reinstate him in service with all consequential benefits.

2. For the purpose of considering the matter, it is not necessary to go into too many facts of this case.

3. We have heard Mr. B. S. Tripathy, learned Counsel for applicant and Mr. A. Routray, learned Additional Standing Counsel (Central) appearing for the Respondents and have also perused the records.

4. Applicant was working under the Indian Council of Medical Research, which is Respondent No. 2 in this Original Application. Under the Indian Council of Medical Research is the Director, Malaria Research Centre and applicant is working in that organisation.

5. Respondents in their counter have taken the stand that the Tribunal has no jurisdiction to adjudicate this matter because no notification has been issued by the Government under Sub-section-2 of Section 14 of the Administrative Tribunals Act bringing Indian Council of Medical Research within the jurisdiction of the Tribunal.

6. We have checked up the position. In notification dated 17-12-1998, the Jurisdiction of the Tribunal was extended to the Indian Council of Medical Research which is a Society registered under the Societies Registration Act.

7. In the instant case, applicant seeks to quash the order dated 26-2-1992 (Annexure-2). At the time, when this order was issued and the cause of action has arisen, Indian Council of Medical Research was not within the jurisdiction of the Tribunal. Therefore, at that time he should have approached the appropriate court of law within the period of limitation. In this case cause of action has arisen in 1992 and the Indian Council of Medical Research was brought up under the jurisdiction of the Tribunal only from 17-12-1998. It is clear that the Tribunal has no jurisdiction to entertain this original Application. The original Application, is, therefore, rejected for not being maintainable before us. No costs.

(G. NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNAHH SOM)
VICE-CHAIRMAN
26.7.99

KNM/CM.