

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 640 OF 1995.

Cuttack this the 22nd day of March, 1999.

Ramachandra Hansdah.

...

Applicant.

-VERSUS-

Union of India & Others.

...

Respondents.

( FOR INSTRUCTIONS )

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

(SONARASIMHAM)  
MEMBER(JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN  
22.3.99

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(b)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 640 OF 1995.

Cuttack this the 22nd day of March, 1999.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

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

.....

Ramachandra Hansdah, aged about 32 years,  
S/o. Kanduri Charan Hansdah, of village  
and PO-Ambikadeipur, Ps. Udal, Dist. Mayurbhanja. ... APPLICANT.

By legal practitioner: M/s. D. R. Pattanayak,  
C. R. Kar, M. K. Khuntia,  
Advocates.

- versus -

1. Chairman, Department of Atomic Energy,  
Chhatrapati Sivaji Maharaj Marg,  
Bombay-400034.
2. Director, Institute of Physics,  
Sachivalaya Marg, Bhubaneswar-5.
3. Mr. Ajita Kumar Kujur,  
C/o. Director, Institute of Physics,  
Sachivalaya Marg, Bhubaneswar-5.

... RESPONDENTS.

By legal practitioner: Mr. Akhaya Kumar Mishra,  
Split Council for the Institute,  
of Physics.

.....  
O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application u/s.19 of the  
Administrative Tribunals Act, 1985 which was filed on 26.10.95  
the applicant has prayed for quashing the order dated 20.10.95  
at Annexure-9 issued by Director, Institute of Physics, Bhubaneswar  
giving appointment to one Mr. Ajita Kumar Kujur. He has also  
prayed for a direction to Respondent No. 2 to consider the case  
of the applicant for appointment as Scientific-Assistant 'A' on

probation for a period of one year, as he is otherwise qualified for being appointed to that post.

2. Respondents, in their counter, have pointed out that Institute of Physics does not come within the purview of the Administrative Tribunal as there has been no notification under Section 14 of the AT Act with regard to this Institute. It is submitted by learned counsel for the petitioner that in accordance with order dated 16.11.1990 Institute of Physics is a organisation under the Department of Automic Energy, over which the Tribunal has the jurisdiction. Learned Spl. Counsel Mr. Akhaya Kumar Mishra, appearing for Respondents have filed copy of an agreement between the Government and the Institute of Physics from which it appears that Institute of Physics was registered as a society under the Societies Registration Act. In view of this, now the point for consideration is whether this Tribunal has jurisdiction to deal with this matter.

3. we have heard Mr. D. R. Pattnayak learned counsel for the Applicant and Mr. Akhaya Kumar Mishra, learned Spl. Counsel appearing for the Institute of Physics and have also perused the records. It is submitted by the learned Spl. counsel appearing for the Institute of Physics that earlier in several other cases this Tribunal has declined to entertain complaints with regard to the service matters of the employees of the Institute of Physics and those employees have approached the Hon'ble High Court for redressal of their grievances. He has filed a copy of the order passed by the Hon'ble High Court of Orissa in OJC No. 5014 of 1997 filed by one Shri Bijay Kumar Swain wherein at paragraph 2 of the order, Their Lordships of the Hon'ble High Court have observed that Institute of Physics is an

J. N. M.

autonomous Research Institute. It is also a fact that there is no notification under section 14 of the Act, extending the jurisdiction of this Tribunal. In view of this, we agree with the contention of the learned Spl. Counsel that this Tribunal has no jurisdiction to entertain this Original Application. The Original Application is disposed of as not being maintainable in this Tribunal. The applicant, if so advised, may move the appropriate forum for the reliefs claimed by him in this Original Application. No costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN

KNM/CM.