

Order of 13.7.99
Copy of order
may be given to
both the counsels.

AA
18.7.99

~~Recd by P
15.7.99
S.D.(J)~~

13.7.99

Heard Shri M.K.Bose, learned counsel for the respondents, who has filed M.A.423/99 and Shri B.M. Molany, learned counsel for the petitioner on M.A.423/99. In this Misc.Application, learned counsel for the respondents has submitted that there is no notification under Sub-Section(2) of Section 14 of Administrative Tribunal Acts bringing N.C.E.R.T. under whom the applicant is working within the jurisdiction of this Tribunal and therefore, the O.A. is not maintainable before the Tribunal. It is submitted by the learned counsel for the petitioner that N.C.E.R.T. is a Society wholly controlled and managed by and funded by the Govt. of India. Secondly that the respondents are following the CCS CCA Rules and other service rules as applicable to Central Government employees irrespective of employees working in N.C.E.R.T and therefore it is submitted that the petitioner must be treated as Central Government employee. It is further submitted by him that inspite of ~~exdate~~ stay order passed by this Tribunal on 7.7.1999 directing respondents not to take any coercive action against the applicant till 13.7.1999, on 9.7.1999, services of the applicant have been terminated. In view of this learned counsel for the petitioner has opposed the prayer of the learned counsel appearing for the respondents, in M.A.423/99. We have seen Sub-section(2) of Section 14: A Society/ Corporation controlled by the Govt. of India cannot be brought within the jurisdiction of the Tribunal unless there is notification issued by the Govt. of India. In case of N.C.E.R.T. no such notification has been issued. The gist of notification has been printed at Pages 41 and 42 of Swamy's Compilation of A.T.Act. In this notification N.C.E.R.T. does not find place. We, therefore, hold that jurisdiction of the Tribunal does not extend to cover the employees of N.C.E.R.T. In view of this we hold that the present petition is not maintainable before us. M.A.423/99 is therefore allowed and O.A. is disposed of not being maintainable.

✓/Jm

VICE-CHAIRMAN

MEMBER (JUDICIAL)