

Order dated 7.9.2001

Heard Shri M.Mishra, learned counsel for the applicant and Shri A.K.Bose, learned Senior Standing Counsel on the question of maintainability of this Original Application before this Tribunal, filed on 5.9.2001.

Facts as averred in the Original Application are that the applicant Ramakanta Kar was appointed as Junior Accountant in August, 1993, under Respondent No.1, i.e., Deputy Director (Acts) Border Security Force, New Delhi. On 1.10.1997 he was promoted to the post of Senior Accountant. On 6.8.1998 the applicant's application for the post of Junior Accounts Officer on deputation under Member Secretary, National Council for Teacher Education, New Delhi (Res.2) was considered and he was selected to that post in the Office Regional Director, of Eastern Regional Committee, Bhubaneswar (Res. No.3), one of the offices under Respondent No.2 vide Annexure-2. The applicant having offered his willingness under Annexure-3, Respondent No.1, by order dated 10.3.1999 directed for his relief in the After-noon of 19.3.1999 in order to report before Respondent No.3 by 22.3.1999 (Annexure-4). Thereafter by order dated 15.4.1999 (Annexure-5) Respondent No.2 passed the order of appointment of the applicant to the post of Junior Accounts Officer in the Office of Respondent No.3 for a period of two years w.e.f. 23.2.1999. Vide letter dated 5.1.2001 (Annexure-6) the applicant was asked to intimate whether he was willing to continue on deputation beyond 21.3.2001. The applicant vide Annexure-7 dated 5.1.2001 expressed his willingness

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to continue on deputation. Thereafter by order dated 26.3.2001 (Annexure-9) his deputation was continued beyond 21.3.2001 until further orders. The parent Department, i.e., Respondent No.1, through letter dated 26.3.2001 under Annexure-11 agreed for this extension of deputation, but only upto 21.9.2001. The applicant, as stated by him, has represented to the concerned authorities for extension of his deputation period explaining his domestic difficulties, which need his presence at Bhubaneswar for some more time. However, by order dated 10.8.2001 (Annexure-14), Respondent No.2 selected one Mukur Kumar Mishra of Orissa Bridge Construction Corp. (Res.4) for appointment to the post of Junior Accounts Officer in the Office of Respondent No.3. Pursuant to this selection and appointment of Respondent No.4, by order dated 3.9.2001, Respondent No.3 directed the applicant to handover the detail charges to Respondent No.4 on 21.9.2001, as the period of his deputation would expire on that date.

In this application, on various grounds the applicant prays for quashing Annexure-14 dated 10.8.2001 with regard to selection and appointment of Mukur Kumar Mishra (Res.4) and Annexure-18 dated 3.9.2001, directing the applicant to handover the charge to Respondent No.4 on 21.9.2001. Thus the cause of action arises on account of the orders under Annexure-14 passed by Respondent No.2 and Annexure-18 passed by Respondent No.3 on the direction of Respondent No.2.

The question for consideration is whether Respondent Nos. 2 and 3 come under the jurisdiction of this Tribunal. In other words, can this Tribunal

quash the selection and appointment of Respondent No.4, made by Respondent No.2 and consequently can we direct these two respondents to retain the applicant in their concern on deputation basis for somemore time.?

Respondent Nos. 2 and 3 do not represent the Union Government. Thus these two Institutions do not constitute any office or Department of the Union Government. The National Council for Teacher Education (Res.2) is a statutory body of Government of India as is evident from various Annexures enclosed in this O.A. Respondent No.3. is one of its office located at Bhubaneswar, styled as Eastern Regional Committee.

Under Section 14(3) of the Administrative Tribunals Act, 1985, the Tribunal has jurisdiction over such of those local Authorities, Corporations, or Societies in regard to matters concerning recruitments and other service problems, if the Central Government by notification under Sub section 22 of Section 14 of Act confers jurisdiction of the Tribunal over such local Authorities, Corporations or Societies. The learned counsel for the applicant could not place before us any such notification of the Central Government extending jurisdiction over the Institutions of Res. Nos. 2 and 3. As per Govt. Notifications dated 2.5.1986, 31.10.1986, 6.2.1987, and 20.4.1987, ~~11.7.1995~~, nine Institutions came under the purview of jurisdiction of the Central Administrative Tribunal (Vide Swamy's Compilation of Central Administrative Tribunal (Act, Rules & Orders), 1998, Edition (Page-43)). Again through notification dated 17.12.1998 of the Ministry of Personnel, Public Grievances and Pensions, 38 more Institutions came

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under the jurisdiction of this Tribunal. We do not come across the Institutions of Res. 2 and 3 in this notification.

In the absence of any notification of the Government of India conferring power under Section 14(2) read with sub section 3^{4 sec 14} of the A.T. Act, this Tribunal cannot exercise jurisdiction over Res. 2 and 3 issuing necessary directions even to the extent of quashing their orders.

In the result, we are of the view that this O.A. is not maintainable before this Tribunal. We accordingly reject the O.A. ^{as} for being not maintainable.

John Mathew
VICE-CHAIRMAN
7.9.2001

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MEMBER (JUDICIAL)