

Central Administrative Tribunal, Lucknow Bench,
Original Application No.235/2003

this the 12th day of May, 2004

HON'BLE SHRI S.P. ARYA, MEMBER (A)

HON'BLE SHRI M.L. SAHNI, MEMBER (J)

Smt. Uma Khare w/o Shri Keshav Kant Khare aged about
61 years r/o 52, Gandhi nagar, Chhitwapur pajawa,
lucknow (UP)

...Applicant

By Advocate: Sri R.B.Srivastava

Versus

1. Union of India through Chairman, Betwa River Board, Ministry of Water Resources, Govt. of India, Shram Shakti Bhawan, New Delhi.
2. The Chairman, Executice Committee, Betwa River Board, Kendriya Jal Aayog, Sewa Bhawan, R.K. Puram , New Delhi.
3. Secretary, Betwa River Board, Jhansi (UP)
4. Superintending Engineer, Rajghat Bandh Mandal, Rajghat, lalitpur (UP)
5. Executive Engineer, Power House Civil and Store Division, Rajghat, Lalitpur, (UP)

...Respondents

By Advocate: Sri D.R. Sinha

ORDER

BY HON'BLE SHRI S.P. ARYA, MEMBER (A)

The applicant by this O.A. seeks for the same scale of pay w.e.f. the same date as has been made available to the Central Govt. employees of the corresponding status including the pay scale as admissible to the P.G. Trained Teachers and pay the arrears and pensionary benefits accordingly.

2. A preliminary objection was raised by counsel for respondents that this Tribunal has got no jurisdiction to enterain the O.A. as Betwa River Board is an established as a corporate body and the

employees working in the Betwa River Board are not Govt. employees. Counsel for respondents has asserted that applicant was appointed on Public Services and was working in connection with the affairs of the Union of India and the authority is owned and controlled by the Union of India.

3. We have heard at length the counsel for both the parties and perused the pleadings.

4. The applicant was appointed on the provisional pay of Rs. 250/- by Raj Ghat Dam Division of Betwa River Board. The regulations were framed in exercise of powers given by Section 23 of the Betwa River Board ^{Act,} ~~at~~ 1976. Officer's order (Annexure 6) shows that the applicant was working in work charged Service and thereafter appointed as Store Munshi (Teachers) in the pay scale of Rs. 300-350. The applicant retired on 1.8.2002. The Betwa River Board Act, 1976 provides in Section 4 (2) that the Board ^{shall be} ~~established~~ a body corporate by the name aforesaid having perpetual succession and a common seal. The Board was to be guided by such directions and instructions on question of policy as may be given to it by Central Government.

5. In view of the Act and its provisions quoted above, we are of the opinion that the employees of the Betwa River Board do not come within the purview of the Administrative Tribunal Act as the Board has not been notified under section 14(2) of the AT, Act, 1985. The A.T. ~~Act~~ Act, 1985 provides for extending the jurisdiction of this Tribunal even to corporation or societies owned or controlled by Govt. provided a notification is issued. In such a situation, even if the Board being a corporation, ~~Board~~ ^{is} is owned and controlled by the Govt. of India, jurisdiction of this Tribunal cannot automatically extend unless ^cnotification under section

14(2) of the AT Act, 1985, issued.

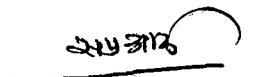
6. Counsel for applicant has relied on R.N.A. Britto Vs. Chief Executive Officer reported in AIR 1995 Supreme Court 1636 where the Panchayat Secretaries were held to be holding Civil Post under the State. State Tribunal was declared to be having jurisdiction for redressal of their grievance in relation to their service matters. The facts and circumstances of the case are distinguishable. State Tribunal and Central Tribunal are two different entities. The Panchayat Secretary and the employees of Betwa River Board are not at the same footing, therefore, the ratio propounded in the above case is not applicable in the present case.

7. In view of the above, we find that the Central Administrative Tribunal has no jurisdiction to entertain the O.A. for want of jurisdiction. It is dismissed with the liberty to the applicant to raise his grievance before the appropriate forum if so advised. No cost.


(M.L. SAHNI)

MEMBER (J)

HLS/-


(S.P. ARYA)

MEMBER (A)