

1/29.2.1996

Hon'ble Mr. K. D. Saha, Member (A)

Heard the learned counsel for the applicant.

The applicant was appointed as Jr. Office Asstt. in the office of Controller of Aerodrome, Patna Airport, Patna. The applicant has been working with effect from 1.2.1996 after been duly selected. By the impugned order ^{at} Annexure-A/4, the appointment of the applicant as Jr. Office Asstt., as aforesaid has been withdrawn with effect from 7.2.1996. By this application, the applicant seeks to quash the impugned order as at Annexure-A/4 dated 7.2.1996. The case of the applicant is that, another person Shri Raj Kumar Prasad, Respondent No. 4, was also appointed as Jr. Office Asstt. in the same office alongwith the applicant and in the panel, the ^{higher} applicant was holding position ~~on~~ merit, but even then the applicant's services have been terminated and the Respondent No. 4 is being allowed to continue. There is a prayer for interim relief to stay the operation of the impugned order as at Annexure-A/4.

2. This is a Division Bench matter. But no Division Bench is available at present. Against this background, and considering the submissions of the learned counsel, the application is admitted. Issue notices to the respondents to file ~~their show cause~~ written statement within four weeks. Rejoinder, if any, may be filed within a week thereafter. Requisites to be filed within two days.

Requisites filed
on 4/3/96
w/c

Letter received
rept in file
w/c

3. On the question of interim relief, issue notices to the respondents as to why the operation of the interim order should not be stayed. Show-cause to be filed within two weeks. List this case on 18.3.1996 for hearing on interim relief.

Notice issued
on 14/3/96 M/S.
S.M.

(K.D.Saha)
Member (A)

2/18.3.1996

HOn'ble Mr. K.D.Saha, Member (A)

*Vakalatnama filed
on behalf of
the P. No. 223
retd in file
14/3/96*

Although notices were issued on 14.3.1996 on the question of grant of interim relief but no reply has been filed as yet. List this case on 18.4.1996 for hearing on the question of interim order.

*_____
(K.D.Saha)
Member (A)*

3
18.4.96
CM.
Hon'ble Shri K.D.Saha, Member (A)
Counsel for the applicant .. Shri P.K.Sinha
Counsel for the respondents.. Shri A.B.Mathur.

*Counter Affidavit
on behalf of the
respondent no. 1/13
filed on 9.5.96.
M.15.4
9/5/96*

Shri A.B.Mathur, learned counsel for the respondents, submits that he is filing Vakalatnama for respondent no.1- Union of India. The learned counsel ~~prays~~ for three weeks time to file written statement. Prayer allowed. List this case on 10.5.96 for hearing on the question of interim relief.

*_____
(K.D. Saha)
Member (A)*

4/10.5.1996

Counsel for the applicant : Mr. P.K.Sinha

Counsel for the respondents : Mr. A.B.Mathur.

*Varkalabogna filed
on behalf of the respondent*
With mutual consent, the case is adjourned
to 20.5.1996 for hearing on the question of
interim relief.

No. 1.
Mr. K. Verma
15/5/96
MPS.

N. K. Verma
(N. K. Verma)
Member (A)

5

20.5.96

CM

Hon'ble Shri K.D.Saha, Member (A)

..

Counsel for the applicant ..Mr. A.K.Mukund
Counsel for the respondents ..Mr. A.B.Mathur.

Heard the learned counsel for the
parties. Instructions regarding filling up the
posts in question through Employment Exchange
will be produced by the learned counsel for the
respondents. List this case on 21.5.1996 for
hearing on interim order.

(K.D. Saha)
Member (A)

Hon'ble Shri K.D. Saha, Member (A)

6 Counsel for the applicant .. Shri P.K.Sinha

21.5.96 Counsel for the respondents.. Shri A.B.Mathur.

CM

Heard Shri A.B.Mathur, learned counsel for the respondents. Shri P.K.Sinha is present for the applicant. The learned counsel for the respondents submits that the Tribunal has no jurisdiction in this case and in support of his contentions he produces copy of order dated 30.9.1994 passed in O.A.No.1057/94 by CAT, Calcutta Bench (Sudhindra Nath Dutta and others vs. Union of India & others). Copy of the above-said order and connected papers have also been handed over to the applicant's counsel, who prays two days' time. List this matter for further hearing on stay on 24.5.1996.


(K.D. Saha)
Member (A)

7/24.5.1996

Hon'ble Mr. K.D.Saha, Member (A)

Counsel for the applicant : Mr. R. Mukund

Counsel for the respondents : Mr. A.B.Mathur

With consent, the case is adjourned to 27.5.1996 for hearing.


(K.D.Saha)
Member (A)

MPS.

Hon'ble Shri K.D. Saha, Member(A)

27.5.96

CM

Counsel for the applicant... Shri A.K.Mukund.

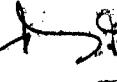
Counsel for the respondents. Shri A.B.Mathur.

Heard Shri A.K.Mukund, the learned counsel for the applicant and Shri A.B.Mathur, the learned counsel for the respondents. The learned counsel for the respondents submits that this Tribunal has no jurisdiction in this case ~~as~~ the applicant is an employee of the Airport Authority of India, a Government of India Undertaking. The learned counsel for the respondents draws my attention to Appendix 6 of CAT (Procedures) Rules, 1993, and submits that the Airport Authority of India is not included in the list of Government of India Undertakings for whom the Central Administrative Tribunal has jurisdiction. He has already filed a copy of the decision in O.A. 1057/94 dated 30.9.1994 ~~passed~~ by the Calcutta Bench of this Tribunal in which it is held that the Tribunal have no jurisdiction to entertain an application against National Airports Authority, the same being a Public Sector Undertaking. It was shown that the Airports Authority of India has come into being with effect from 1st April, 1995 and vide Govt. notification dated 30th ~~employees of~~ March, 1995, erstwhile National Airports Authority and International Airports Authority of India have become employees of the new Authority.

2. Having regard to the submissions made, I have

no hesitation to hold that the Tribunal has no jurisdiction in the matter although initially by an order dated 29.2.1996 the application was admitted ~~and~~ the matter was listed for consideration for passing of an interim order.

3. At this stage the learned counsel for the applicant submits that because of the above position on the question of jurisdiction, he would like to withdraw the application so that he can pursue the matter before an appropriate Forum. In the circumstances, the application is dismissed as withdrawn. The applicant is at liberty to agitate the matter before an appropriate Forum.


(K.D. Saha)

27.5.96

Member (A)