

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW BOMBAY BENCH~~
NEW BOMBAY BENCH

~~NEW BOMBAY BENCH~~

198

T.A. No. 9/87

DATE OF DECISION 31/12/1987Shri R.V. Joglekar.

Petitioner

Applicant in Person.

Advocate for the Petitioner(s)

Versus

The Head Master, Shri Damodar Vidyalaya Respondent
High School, Margao, Goa & 2 Others.

Shrimati Menezes for Shri J.P. Cama

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. GADGIL, HON'BLE VICE-CHAIRMAN

The Hon'ble Mr. J.G. RAJADHYAKASHA, HON'BLE MEMBER(A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Yes

No

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Transferred Application No. 9/87

Shri R.V. Joglekar,
Residing at 322 Comba-Margao,
Goa.

... Applicant

vs.

1. The Head Master,
Shri Damodar Vidyalaya High School,
Margao, Goa.
2. The President,
Mathagramastha Hindu Sabha,
PO.BOX.NO. 205,
Margaon, Goa.
3. The Director of Education
Government of Goa, Daman & Diu,
Panaji.

... Respondents

Coram: Hon'ble Vice-Chairman B.C. GADGIL
Hon'ble Member(A) J.G. RAJADHYAKSHA

Appearance :

The applicant
in person.

Shrimati Menezes
(for Shri J.P. Cama)
Advocate
for the respondents.

TRIBUNAL'S ORDER

DATED : 31-12-1987.

Suit No. 19/85 of the file of the District Judge, South
Goa, Margao, is transferred to this Tribunal for decision.

2. We have heard the applicant Shri Joglekar and the
respondent's advocate Smt. Menezes (for Shri J.P. Cama). In our
opinion this Tribunal will not have jurisdiction to decide the
dispute involved in the litigation. The reason is that the applicant
was appointed as teacher on 1.6.1964 in the school known as Shri
Damodar Vidyalaya High School, Margao, which is run by the

Mathagramastha Hindu Sabha, Margao, which is a society registered under the Societies Registration Act 1860. On 1-6-1966, the applicant was promoted as Head Master. He continued to work in that capacity till 5th July, 1982. In that month the school authorities sent a notice terminating the services of the applicant with effect from 7-10-1982. The termination was made as the Marathi medium school in which the applicant was working was closed. The applicant filed suit no. 19/85 in Margao court challenging this termination. It is this suit that is transferred to us.

3. As mentioned above the school is run by a society viz., Mathagramastha Hindu Sabha. Obviously, the applicant is not an employee of the Central Government. It is true that under section 14 the Central Government has power to issue notification with respect to the Corporation or Societies owned or controlled by the Government of India and after such notification has been issued the Tribunal will have jurisdiction to decide the service matters of such corporation or Societies. The Society viz., Mathagramastha Hindu Sabha is not a society owned or controlled by the Central Government. It is true that the provisions of the School code are applicable in running the school. However, that would not improve the position because the society is not owned or controlled by the Government. Apart from that the Central Government has not issued any notification under section 14, even if it is assumed that the said society is controlled by the Government. In the face of this legal position it will not be possible for us to entertain and decide the dispute in question.

4. The applicant Shri Joglekar drew our attention to the fact that he has made an application to the District Judge, Margao on 5.11.1986 that the matter be transferred to this Tribunal and that the respondents gave a reply dated 26-11-1986 stating that they have no objection if the matter is so transferred. But such consent will not vest jurisdiction into this Tribunal. The question of jurisdiction will be dependent upon the Administrative Tribunals Act, 1985 and as mentioned above this Tribunal

will have no jurisdiction. Hence we pass the following order :

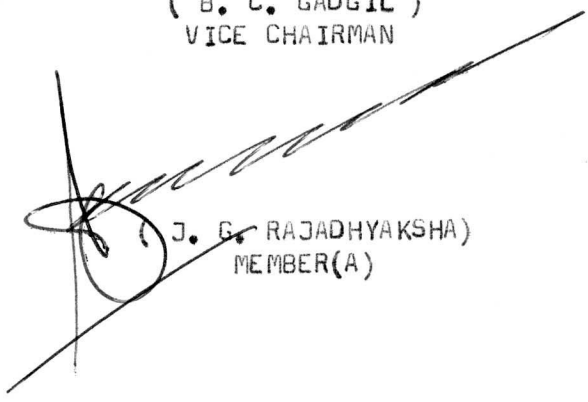
ORDER

The records and proceedings of suit 19/85 be sent back to the District Court, Margao for decision.

Along with the record a copy of this order should be sent.

No order as to costs of this proceedings.


(B. C. GADGIL)
VICE CHAIRMAN


(J. C. RAJADHYAKSHA)
MEMBER(A)