

(25) (26)

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 440/87  
XXXXXX

198

DATE OF DECISION 3-7-1991

Shri P.K.Brahma

Petitioner

Shri Y.R.Singh

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri V.M.Pradhan

Advocate for the Respondent(s)

## CORAM

The Hon'ble Mr. G.Sreedharan Nair, Vice-Chairman,

The Hon'ble Mr. P.S.Chaudhuri, 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 ?

*MS*

(G.SREEDHARAN NAIR)  
VICE-CHAIRMAN.

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.440/87.

Shri Paritosh Kumar Brahma,  
Type IV-I Quarters,  
Nagpur Airport Colony,  
Nagpur - 440 005.

... Applicant.

V/s.

1. Union of India,  
Department of Civil Aviation  
through the Director General  
of Civil Aviation, East Block II & III,  
R.K.Puram,  
New Delhi.

2. National Airports Authority through  
its Chairman, East Block II & III,  
R.K.Puram, New Delhi.

3. The Controller of Aerodrome,  
Nagpur Airport, Nagpur.

4. Shri R.N.Dutta,  
Aerodrome Officer,  
Calcutta Airport,  
Calcutta (West Bengal).  
... Respondents.

Coram: Hon'ble Vice-Chairman, Shri G.Sreedharan Nair,  
Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:

Applicant by Mr.Y.R.Singh,  
Respondents by Mr.V.M.Pradhan.

JUDGMENT:-

(Per Shri G.Sreedharan Nair, Vice-Chairman) Dated: 3-7-1991

The applicant an employee under the National Airports Authority has filed this application to quash the promotion of the 4th respondent to the post of Aerodrome Officer and for a direction to promote him from 26.2.1990. This application was filed in the year 1987 when the 4th respondent was promoted only on an ad hoc basis by the order dt. 29.12.1986. However, pending the application, by the order dt. 26.2.1990 as the 4th respondent was regularly promoted the application was amended, so that the

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relief that is now pursued is for the quashing of the said promotion.

2. The respondents <sup>have</sup> raised a preliminary objection that as the National Airports Authority is a body corporate constituted by the National Airports Authority Act, 1985, so long <sup>as</sup> it is not brought under the purview of this Tribunal by the issue of a notification under Sub-section (2) of Section 14 of the Administrative Tribunals Act, the <sup>have</sup> application cannot be maintained. The respondents <sup>have</sup> filed Misc. Petition No.56/90 praying for disposal of this application on this ground.

3. After hearing counsel on either side we are of the view that the preliminary objection of the respondents has to prevail. No doubt earlier the applicant was an employee under the Civil Aviation Department, but with the Constitution of the National Airports Authority, it is admitted that in the first instance his services were transferred to that Authority w.e.f. 30.5.1986, and later he has been absorbed in that Authority in the year 1989. The grievance that is agitated in this application as amended relates only to the denial of promotion to the applicant when the 4th respondent was promoted to the post of Aerodrome Officer on 26.2.1990 by the Authority. So much so, the relief claimed is against the authority, which has not been brought within the jurisdiction of this Tribunal since no notification has admittedly been issued to that effect under Sub-section (2) of Section 14 of the Administrative Tribunals Act.

4. It follows that the application is not maintainable before this Tribunal and is hence dismissed.

  
(P.S.CHAUDHURI)  
MEMBER(A)

  
(G. SREEDHARAN NAIR)  
VICE-CHAIRMAN  
3.7.1991

3.7.1991