

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

Original Application No.737/88.

Shri V.J.Ambulkar,
Jr. Superintendent,
Central Warehouse Bare
Depot, Miraj
near Manik Nagar
Railway Colony,
Dist. Sangli.

... Applicant

V/s.

1. The Union of India through
Secretary, Department of
Food Agriculture, Govt. of
India, Krishi Bhawan,
New Delhi.
2. The Regional Manager,
Central Warehousing Corporation
'Baldote Bhawan' (2nd floor),
Maharshi Karve Road,
Bombay.20.

....Respondents.

Coram: Hon'ble Vice-Chairman Shri B.C.Gadgil,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Oral Judgment:

(Per Shri B.C.Gadgil, Vice-Chairman)

Dt. 19.10.1988

This Stamp Application should be numbered as Original Application. The objection raised by the office is condoned. The matter is fixed today for admission hearing including the question about the jurisdiction of this Tribunal.

2. The dispute in question is between the applicant and Respondent No.2 i.e. The Central Warehousing Corporation. The said Corporation is constituted under the Warehousing Corporation Act, 1962. The question is as to whether an employee of such Corporation can file an application before this Tribunal in connection with his service disputes.

3. We have heard Mr.Gangal for the applicant and Mr.R.C.Master for Respondent No.2. In our opinion, this Tribunal will not have any jurisdiction even if it is assumed that Respondent No.2 is owned or controlled by the Government. It is true that Mr.Master argued that the various provisions of the Act would show that the share capital is to be owned by various authorities, for example 40% would be owned by the Central Government, while the remaining 60% can be owned by many institutions including Scheduled Banks, Co-operative

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Societies etc. Mr. Master therefore, urged that this Corporation cannot be said to be owned or controlled by the Government. However, we do not intend to go into that question as we would not be having any jurisdiction even on the assumption that Respondent-2 is owned or controlled by the Government.

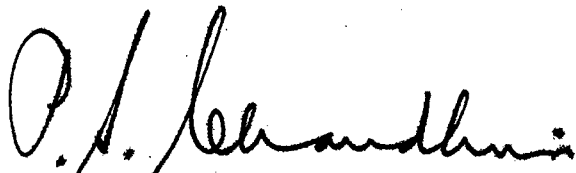
4. Mr. Gangal contended that sub-section 1 of section 14 of the act would show that service matters in connection with the affairs of the Union or of any state or of any Corporation owned and controlled by the Government can be entertained and decided by us. In our opinion, the construction that is sought to be put in sub-section 1 of section 14 by Mr. Gangal is not correct. The section itself shows that the service matters relating to ^{a member of any} All India Service or Person appointed to ^{any} Civil Service or a Civilian in the Defence Service can be entertained by us even if such persons have a service dispute in connection with the affairs of a Corporation owned or controlled by the Government. Obviously, the basic requirement is that the employee must initially be a member of any All India Service or a Person appointed to any Civil Service or a Civilian in a Defence Department. It is only then that his service matters can be entertained by us even if that service matters is in connection with a Corporation owned or controlled by the Government. The matter is made more clear by sub-section 2 of section 14. That sub-section authorises Central Govt. to issue notification so as to apply the provisions of the Act to the employees of ~~the~~ Corporations owned or controlled by the Government. Obviously, in the absence of such Notification it will not be possible for an employee of such ^a Corporation to approach this Tribunal for getting redressal about his service matter. In view of this the application is not

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tenable before us and hence the application is ordered to be returned to the applicant after keeping one copy thereof in the record of our Tribunal. The various orders passed by us should also be retained in the Tribunal.



(P.S. CHAUDHURI)
MEMBER (A)



(B.C. GADGIL)
VICE-CHAIRMAN