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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI
NEW BOMBAY BENCH

O.A. No. 358/88 198
T.A. No.

DATE OF DECISION 16.6.1988

Smt. Inderjeet Kaur Bhinder, Petitioner

Smt. Shetty Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri Masurkar and Shri Kakalia Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. Srinivasan, Member (A)

The Hon'ble Mr. M. B. Mujumdar, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

P. Srinivasan

(6)

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

Original Application No.358/88.

Smt. Inderjeet Kaur Bhinder,
CIDCO T-240, Cidco Colony,
P.O.Boisar,
Dist. Thane.

... Applicant

V/s.

1. Union of India,
through Chief Administrative Officer,
Department of Atomic Energy,
Tarapur Atomic Power Station,
P.O. Tapp,
Dist. Thane.
2. The Chief Administrative Officer,
Department of Atomic Energy,
Tarapur Atomic Power Station,
P.O. TAPP, Dist. Thane.
3. The Principal,
Atomic Energy Central School,
TAPS Colony, P.O.TAPP,
Dist. Thane - 401 504.

Coram: Hon'ble Member(A), Shri P.Srinivasan,
Hon'ble Member(J), Shri M.B.Mujumdar.

Oral Judgment:

Per Shri P.Srinivasan, Member(A)

Dt. 16.6.1988

The applicant who was working as an Ayah in the Atomic Energy Central School (K.G. section), TAPS Colony, Thane is aggrieved with letter dt. 26.4.1988 issued to her by the Principal of the School stating that since she had not reported for duty from 27.1.1988 her services stood terminated from that date.

2. Smt.Shetty present for the applicant. Respondent No.1, viz. the Union of India is not represented though duly served with notice. Shri D.J.Kakalia, learned counsel present for R-2, Estate Officer, Deptt. of Atomic Energy. Shri V.S. Masurkar, learned Counsel for the Principal, Atomic Energy Central School, R-3; they have all been heard. The first question that arises in this application is as to whether this Tribunal has jurisdiction over the matter in dispute. The Atomic Energy Central School is run by a Society and is

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not a branch of the Department of the Atomic Energy. The Society is registered under the Societies Registration Act and the Bombay Trust Act. It is not a department of the Government. In ~~these~~ circumstances, we have to hold that we have no jurisdiction over this matter and that the application deserves to be dismissed on this ground.

3. However, we would like to notice ^{certain statements} ~~other facts~~

M ^{made} mentioned by Counsel~~s~~ on both sides. Shri Masurkar and Shri Kakalia submitted that the applicant was working as an Ayah ^{M and} she stopped working from 27.1.1988. She refused to perform the duties of Ayah which consisted of cleaning, dusting class rooms and so on and that was why her services were terminated. Smt. Shetty learned Counsel for the applicant furnished an undertaking from the applicant that ~~that~~ she is prepared to work as Ayah and carry out all the duties attached to that post as she is asked to perform and that she would attend to her duties regularly. Shri Masurkar thereupon indicated that the School would take her back on the same terms on which she was earlier engaged before 27.1.1988. Since the applicant ^{M has} ~~is~~ now agreed to report for duties ^M and perform the duties of Ayah and since R-3 is prepared to take her back on ^{M the} same terms on which she was earlier employed, the dispute is resolved to the satisfaction of both parties. Respondent Nos. 2 and 3 have also agreed that in the event of the applicant rejoining duties as per her undertaking given to this Tribunal and thereafter being re-appointed, they will allow her either to remain in the present quarter or to allot her another quarter on compassionate grounds. We have already observed that we have ^{M to deal} no jurisdiction ~~with~~ the matter and we do not wish to say


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anything more on this subject.

4. The application is dismissed as incompetent with
no order as to costs.


(P. SRINIVASAN)
MEMBER (A)
16/6/88


(M. B. MUJUMDAR)
MEMBER (J).