

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

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Tr. Application No. 65/88.

Shri Ismail Sk. Vazir,
House No. 816 B. Pensionpura,
Cantt.
Aurangabad.

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Applicant

V/s

1. Cantonment Board,
Aurangabad, through
its Executive Officer,
Cantt. Board,
Aurangabad.

2. Lieutenant General,
General Officer Commanding-in-chief,
Head Quarters, Southern Command,
Pune.

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Respondents.

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

Oral Judoment:

(Per Shri M.B. Mujumdar, Member(J))

Dated: 15.2.1989.

The applicant (plaintiff) Shri Ismail Sk. Vazir was working as a Pound Keeper with the Cantonment Board, Aurangabad, i.e. Respondent No. 1 (defendant No. 1). After holding a departmental inquiry he was removed from service by an order dated 11.6.1976. He had preferred an appeal against that order to Lieutenant General, General Officer Commanding-in-Chief, Head Quarters, Southern Command, Pune, i.e. Respondent No. 2 (defendant No. 2). The appeal was dismissed on 25.6.1977.

2. On 19.3.1980 the applicant filed Regular Civil Suit No. 179/80 in the Court of the Civil Judge, Senior Division, Aurangabad praying that the order passed by Respondent No. 1 on 11-6-1976 and the order passed by Respondent No. 2 be declared as null and void. He also prayed for his reinstatement in service as Pound Keeper with consequential benefits.
reliefs.

(4)

3. The suit was resisted by both the respondents by filing their separate written statements.

4. By the judgment delivered on 3.4.1985 the learned Joint Civil Judge, Junior Division, Aurangabad to whom the suit was transferred, dismissed the suit with costs.

5. Against that decision the applicant preferred Regular Civil Appeal No.97/85 in the Court of the District Judge at Aurangabad.

6. On the application of the applicant, the learned District Judge by his order dated 1.9.1988 transferred the appeal to this Tribunal in view of section 29 of the Administrative Tribunals Act, 1985.

7. By order dated 30.12.1988 we had issued notices to the applicant and respondents to show cause as to why the appeal should not be transferred to the District Court at Aurangabad, as this Tribunal will have no jurisdiction to decide the appeal.

8. The applicant has sent an application requesting for an adjournement. Mr. Prachur Goel, Cantonment Executive Officer is present for the respondents. However, as the point is a law point and it is decided in a number of cases, we do not find it necessary to adjourn the case. Adjournment sought for by the applicant is rejected.

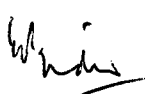
9. It is clear from the facts that the applicant was serving with the Cantonment Board at Aurangabad. The Cantonment Board is not notified under section 14(2) of the Administrative Tribunals Act, 1985. The Tribunal is having jurisdiction to decide cases relating to the service matters of the employees of the Central Government. The Tribunal will also have jurisdiction to decide cases pertaining to service matters of employees of the Corporation, Local Bodies and other authorities which are owned or

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controlled by the Central Government provided they are notified under section 14(2) of the Act.

10. The point is decided by this Tribunal in Smt.Rajamma Jose V/s Kirkee Cantonment Board and others in Tr.Application No.498/87 decided on 10.6.88 and Miss Ponnamma V/s Cantonment Executive Officer, Cantonment Board, Pune and others in Original Application No.268/86 decided on 3.10.1986. In both these cases this Tribunal has taken the view that the Tribunal will have no jurisdiction to entertain and decide the cases in respect of the service matters of the employees of the Cantonment Board which is not notified under section 14(2) of the Act.

11. Hence we hold that this Tribunal will have no jurisdiction to entertain and decide Regular Civil Appeal No.97/85 filed by the applicant in the District Court at Aurangabad. We therefore direct that the papers be remitted back to the District Court, Aurangabad.


(M.Y. PRIOLKAR)
MEMBER(A)


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