

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO: 887/89

Mr.K.K.Pillay

...Applicant

v/s

Director General of Civil
Aviation and Others

...Respondents

CORAM : HON'BLE MEMBER MS.USHA SAVARA, MEMBER (A)

HON'BLE MEMBER MR.S.KRISHANAN, MEMBER (J)

Appearance

Mr.R.B.Mathur,
Adv. for the applicant.

None for the Respondents.

ORAL JUDGEMENT

(PER : S.KRISHANAN, M/J)

30TH MARCH 1992

The applicant has come before this Tribunal with this application claiming an amount of Rs.16,011/- by way of interests against the respondents. The Respondents have claimed in their counter, that the second respondent is an Autonomous Body Organisation created under the National Airport Authority Act, 1985 and it is not a Department of Central Government. Hence, they contend that this Hon'ble Tribunal has no jurisdiction to hear and decide the above said petition. The respondents hence raised the objection in their reply, that the application is therefore bad in law and not maintainable.

The application is posted today to hear the preliminary objection on the point of jurisdiction. Heard Mr. Mathur, counsel for the applicant. None present for the respondents.

It is seen from the reply, that the main contention of the Respondents is that, the 2nd Respondents is an Autonomous organisation created under the National Airport Authority Act, 1985 and is not a department of the Central Government. Our attention has been drawn to the Section 2

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of the Administrative Tribunals Act, 1985, which state that the provision of this Act shall not apply to :

- a) any member of naval, military or airforce or of any other armed forces of the Union; etc

Our attention was also drawn to Section 14 of the Administrative Tribunals Act, 1985. As per this section this Tribunal has got

b) jurisdiction only in respect of service matters concerning

- i) a member of any All India Service; or
- ii) a person (not being a member of All India Service or a person referred to in clause(c) appointed to any civil service of the Union or any civil post under the Union; or
- iii) a civilian (not being a member of an All India Service or a person referred to in clause (c) appointed to any defence services or a post connected with defence; and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation(or society) owned or controlled by the Government;
- c) all servicesmatters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation (or society) or other body, at the disposal of the Central Government for such appointment.

9

It also gives power to the Central Government by notification to apply with effect from such date as may be specified in the notification the provisions of the sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations (or societies) owned or controlled by the Government, not being a local or other authority or Corporation (or society) controlled or by owned by a State Government organisation, the provision of the act will not apply to them.

The applicant failed to produce to our notice any notification under Section 14(2) of the Act, extending the provision of the Act to the Second Respondent. Hence we agree with the contention of the Respondents, that this Tribunal has no jurisdiction.

In view of the above discussion, the application deserves to be dismissed as not maintainable for want of jurisdiction and accordingly it is dismissed. There is no order as to costs.

S. Krishnan
(MR. S. KRISHNAN)
MEMBER (J)

U. Savara
30.3.92
(MS. USHA SAVARA)
MEMBER (A)