

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 48 OF 1999.

Dated this Monday, the 18th day of January, 1999.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

Satish Kumar B. Mishra,
A.E.E./M(Retired),
R/o. 22, Indrayani Society,
Lawrence Road,
Deolali - 422 401.

... Applicant

(In Person)

VERSUS

1. Union Of India,
Ministry of Defence,
New Delhi
through
Engineer-in-Chiefs Br.,
Army Headquarters,
DH PO,
New Delhi - 11.
2. Chief Engineer,
HQ Western Command,
3. Col. V.P. Singh, I.O.,
Chief Engineer,
Chandigarh Zone,
Chandigarh.
4. Shri Man SBSO, PO
Commander Works Engineers,
AMBALA CANTT.

... Respondents.

: OPEN COURT ORDER :

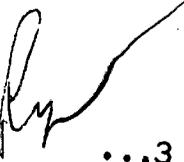
PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN

This is an application filed by the applicant
claiming that he has a right to defend the Government



official, R. L. Sharma, in the departmental enquiry. His case is, that the administration has refused the Government official's request to engage the applicant as a Defense Assistant. He has approached this Tribunal challenging that order. We have heard the applicant who appeared in person.

2. In our view, this is not a service dispute affecting the service conditions of the applicant. The applicant has retired from service. Therefore, his service conditions are not affected in any way. Whether Mr. Sharma has a right to engage the applicant as a Defense Assistant or not, is a question which Mr. Sharma has to urge. If Mr. Sharma is aggrieved by the order of the administration in refusing his request to engage the services of the applicant as a Defense Assistant, it is for Mr. Sharma to challenge that order before the appropriate higher authority or before a Court or Tribunal. But the applicant has no ~~to~~ such legal right to approach this Tribunal, since his service conditions are not affected in any way, particularly, when he is a retired official. The applicant has even sought for changing of the enquiry officer when no enquiry is pending against him. He has not even made Mr. Sharma as a party to this case. In our view, the present application is not maintainable at the instance of the applicant, who is a retired Government official. The Tribunal has limited jurisdiction to entertain service disputes of Government officials. The impugned order may affect the rights of Sharma, since he is denied the right of having a defense assistant of his choice. But no legal right is conferred on any retired Government official to practise as a Defense Assistant as of right in departmental enquiries. Since

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no service conditions of applicant are affected by the impugned order, he has no right to approach this Tribunal.

3. In the result, the application is rejected at the admission stage. No costs.

(D. S. BAWEJA)
MEMBER (A)

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

OS*