

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH: BANGALORE

DATED THIS THE 16TH DAY OF SEPTEMBER, 1986.

Present:

Hon'ble Mr. Justice K.S. Puttaswamy,
.. Vice-Chairman

Hon'ble Mr. P. Srinivasan, .. Member.

APPLICATION NO. 1636 OF 1986.

Victor D'Souza
(Aged 44 years)
S/o Jacob D'Souza,
Head Draughtsman,
New Mangalore Port,
Panambur, Mangalore-10. .. Applicant.

(By Sri V.V. Upadhyaya, Advocate)

v.

1. The Union of India
represented by its Secretary
Ministry of Transport and
Department of Surface Transport,
Transport Bhvan, New Delhi-1.
2. The New Mangalore Port Constituted
under the Provisions of the Major
Port Trusts Act, 1963 represented
by its Chairman, Panambur,
Mangalore-10.
3. The Chairman,
The New Mangalore Port,
Panambur, Mangalore-10. .. Respondents.

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This application coming on for hearing this
day, Vice-Chairman made the following:

ORDER

In this application made under Section 19 of
the Administrative Tribunals Act of 1985 (Central
Act No. 13 of 1985) ('the Act') the applicant has
sought

sought for a direction to respondents 2 and 3 to consider his case for promotion to the post of Assistant Engineer in the New Mangalore Port Trust, Mangalore ('Trust').

2. Sri V.V.Upadhyaya, learned counsel for the applicant contends that as the Union of India is a party and the 'Trust' had been constituted under the Major Port Trusts Act of 1963 ('1963 Act') by Government of India, this Tribunal was competent to entertain the application made by his client and grant him the reliefs sought in the application.


3. The Trust constituted and functioning under the 1963 Act is not a Department of Government of India or Union of India, which is arrayed as respondent-1. The Trust is a statutory authority constituted and functioning under the 1963 Act. The applicant is only an employee of the Trust and not of Government of India.

4. The Tribunals constituted under the Act are conferred with jurisdiction to deal with 'service matters' of employees of Government of India or Union of India. In Notification No.A-11019/16/86-AT dated 2-5-1986 Government of India had conferred jurisdiction over five bodies named in that notification and not on the Trust constituted and functioning under the 1963 Act. From this it follows that this application, however, impleading the Union of India as a formal respondent, without claiming any relief but claiming reliefs against the Trust and the Trust only is not

maintainable

maintainable before this Tribunal and is, therefore, liable to be rejected. We, therefore, reject this application as not maintainable before this Tribunal without examining the merits which in the very nature does not prevent the applicant from approaching the proper forum for relief.


(K.S. PUTTASWAMY)
VICE-CHAIRMAN


(P. SRINIVASAN)
MEMBER(A)

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