

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH

(4)

Stamp No.114/91 (OA 200/91)

Dattatraya Gangadhar Bhavsar,
OC2, Jaliyan Apartments
Gupte Road,
Dombivili (N),
Thane Dist.

.. Applicant

vs.

Hon. Shri S.P.Jakhanwal,
Jt. Secretary,
Ministry of Defence,
Department of Defence,
South Block,
New Delhi - 110 001.

.. Respondent

Coram: Hon'ble Member(A) Shri P.S.Chaudhuri

Hon'ble Member(J) Shri T.Chandrasekhara Reddy

Appearance:

Applicant in person

JUDGMENT:

(Per P.S.Chaudhuri, Member(A))

Date: 16.4.1991

This application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 21-3-1991. In it the applicant, who was serving as a Master in the Sainik School at Bijapur prays for the following reliefs:

(a) An appropriate writ or order be passed against the respondent who is not performing his duties under the state in aid of Justice and keeping Law & Order - under laws of the land and as true public servant in high tradition keeping his oath of office.

(b) The entire dues of the post of Master Sainik School, Bijapur and allied benefits be ordered to be paid to the applicant from 18-11-1964 till

today and from 1-6-1989 pensions benefits etc. because it is tantamount that applicant is reinstated in the services of the Sainik School, Bijapur Karnataka State.

(c) Costs-compensatory-exemplary costs be awarded for causing-wilful defamation undesirable element in Sainik School Bijapur on 7-10-1964 as reetation in the past and also on 6-3-1991. Rs.three crores only from the respondent and his Sainik School Bijapur, to meet decreed sums the property of Sainik School Bijapur be permitted to lapse and auctioned... All orders be passed in aid of justice."

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2. When this case/called for admission hearing, the applicant appeared before us in person. None appeared for the respondents. After going through the record and so hearing the applicant, in view of the nature of the post held by the applicant as mentioned above the first point on which we are requiced to form an opinion is whether we have jurisdiction in respect of the applicant. Various and varied contentions were raised before us by the applicant and even though these were irrelevant, and so not calling for a detailed examination by us, because he was presenting his case himself we allowed him to have his full say until he sat down of his own volition. But all that we are required to look at in this regard is Section 14 of the Administrative Tribunals Act,1985 which deals with the jurisdiction,powers and authority of the Central Administrative Tribunal. In ALL INDIA SAINIK SCHOOL EMPLOYEES ASSOCIATION v. DEFENCE MINISTER

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CJ. & CHAIRMAN BOARD OF GOVERNORS, SAINIK SCHOOL SOCIETY,
NEW DELHI AND OTHERS - AIR 1989 SC 88 ~~xxxcopyxxofxxxwhich~~
~~xxxtoxxxexxxxexxxxtoxxxthexxxoppositionxxx~~ - Rangnath
Misra J (as his Lordship then was) speaking for the Supreme Court held that the Sainik School Society is a Society registered under the Societies Registration Act, 21 of 1860. He also held that employees of the Sainik School cannot be treated as Central Government employees. The law in this regard thus is that the applicant does not come within the ambit of sub-section(1) of the above mentioned Section 14. We then have to consider whether the applicant comes within the ambit of sub-sections (2) and (3) of the said section. A perusal of these sub-sections makes it clear that for the applicant to come within the ambit of these two sub-sections it is necessary for the Central Government to have issued a notification bringing the Sainik School Society within the jurisdiction of the Central Administrative Tribunal. We are not aware of any such notification nor was any such notification brought to our notice by the applicant.

3. In this view of the matter we are of the opinion that we have no jurisdiction in this matter. Such being the case it is not necessary for us to go into any other question.

4. We note that the application is yet to be registered and given a serial number because of certain office objections. The applicant has, however, given an undertaking on the application itself to the effect that he will remove all the office objections. In view of this position we direct the office to register and number this application.

5. We accordingly order that the original copy of the application be returned to the applicant along with a copy of this order for presentation in the proper forum if he so desires and if he is so advised. A copy of the application along with the original copy of this order be retained as part of the Tribunal's record.

T. Chaudhuri
(T.C.S.REDDY)
Member(J)

P.S.CHAUDHURI
(P.S.CHAUDHURI)
Member(A)

16-4-1991

(10) Dated: 21.4.1992

Tribunal's Order.
(Per: S.F. Razvi, M(T))

This contempt application has been filed by the applicant in OA.200/91 which was disposed of by an order dated 16.4.1991 whereby this Tribunal held that it had no jurisdiction to entertain the grievance of the applicant and accordingly ordered that the original copy of the application be returned to the applicant along with a copy of the order for presentation in the proper forum if the applicant so desires and if he is so advised.

2. The grievance of the applicant now before this Tribunal by way of contempt application is that the order passed by this Tribunal holding that it had no jurisdiction to entertain the claim of the applicant is totally illegal and the respondents ought to have granted the benefits which the applicant has claimed in the original application and this Tribunal should have given the reliefs sought for by issuing necessary directions in that behalf.
3. We have heard the applicant in person who himself argued the case. Bereft of oft repetitions and irrelevant matters found in this application, the main grievance appears to be that this Tribunal erred in holding that it had no jurisdiction to entertain the case. Unwanted and totally baseless averments have been made in this application against the respondents and the Hon'ble Members who had decided the original application. Having regard to the nature of the application and the way how the applicant has been conducting himself we do not take serious view of such irrelevant averments. Suffice it will be for us to say that the present application for contempt, filed, is totally misconceived and no action can be initiated against the respondents for the alleged

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contempt which does not exist. If at all the applicant was aggrieved by the order passed by this Tribunal holding that it had no jurisdiction, it was open to him to seek relief against that order before the appropriate forum either by way of appeal before the Hon'ble Supreme Court or by filing a review application. The applicant has not chosen to do either of these and instead he is contending before us that the order passed on 16.4.1991 is an erroneous order. By that order dated 16.4.1991 the Bench had not given any direction to the respondents for compliance and there is no question of the respondents wilfully or deliberately delaying or refusing to carry out any direction given by this Tribunal. We fail to see as to how the respondents could be prima facie said to be guilty of any contempt.

4. Before we part with this contempt petition, it has become necessary to mention that the applicant has filed M.P. No.18/92 under Rule 24 of the Administrative Tribunals Rules 1987 and in this M.P. he has sought for grant of interim pension, all equitable reliefs and full cost of the two original applications which he filed and which came to be disposed of on the ground that the Tribunal has no jurisdiction. It is needless to say that such reliefs which have now been sought by way of M.P. cannot be adjudicated by this Tribunal in the Contempt Petition. When the original application has been disposed of on the ground of want of jurisdiction, the applicant can canvass his case and seek appropriate reliefs before the proper forum in accordance with law. He cannot ventilate such grievance by filing an M.P. in this contempt application.

5. We, therefore, feel that this application, as already pointed out, is totally misconceived and accordingly we dismiss this contempt application without notice to the respondents, the alleged contemners.

S. F. Razvi
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(S.F. RAZVI)
MEMBER (J)

Usha Savara
(MS. USHA SAVARA)
MEMBER (A)