

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 1296/92

Transfer Application No:  
~~XXXXXXXXXXXXXXXXXXXXXX~~

DATE OF DECISION 28.12.92

Dr. (Shri)Prabhatsingh L-Rathod, Petitioner

Shri R.S.Mobite

Advocate for the Petitioners

Versus

Union of India and others

Respondent

Shri V.S.Masurkar,

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri M.Y.Priolkar, Member (A)

The Hon'ble Shri V.D.Deshmukh, Member (J)

1. whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?



(V.D. DESHMUKH)  
MEMBER (J)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No.1296/92

Dr. (Shri) Prabhatsingh L. Rathod.

... Applicant.

V/s.

Rural Development Agency  
A Society Registered  
under the Societies Registration  
Act 1860, through Chairman  
the Collector of Dadra and  
Nagar Haveli.

The Union of India,  
through the Secretary,  
Department of Rural Development,  
Krishi Bhavan, New Delhi.

... Respondents.

CORAM: Hon'ble Shri M.Y. Priolkar, Member (A)

Hon'ble Shri V.D. Deshmukh, Member (J)

Appearance:

Shri R.S. Mohite, counsel  
for the applicant.

Shri V.S. Masurkar, counsel  
for the respondent No.2.

ORAL JUDGEMENT

Dated: 28.12.92

¶ Per Shri V.D. Deshmukh , Member (J) ¶

The applicant has filed the present application praying that the notice of termination of his service dated 3.12.92 given by the Chairman, Rural Development Agency, Dadra and Nagar Haveli, Silvassa be quashed. The copy of the notice is annexure Q to the application.

The application was opposed by the learned counsel for the respondents at the out set on the ground that this Tribunal has no jurisdiction to entertain the application. We have heard the learned counsel for the applicant and the learned counsel for the respondent No.2 on the question of jurisdiction. This order deals with only the question of jurisdiction. It is not in dispute that the applicant was employed with the respondent No.1, the Rural Development Agency which is admittedly a Society registered under the Societies Registration Act 1860.

Copy of the appointment order dated 1.3.90 is annexure D to the application and this order clearly shows that the applicant was appointed as Assistant Project Officer (Animal Husbandry) by the Chairman Rural Development Agency, Dadra and Nagar Haveli, Silvassa. No doubt the appointment order is signed by the collector, in his capacity as the Chairman of the said Agency, however it is not contended by the applicant and it cannot be so, that merely because the order is signed by the Collector as Chairman of the Society, the employees can be taken as Government employees. The impugned notice of termination is signed by the Chairman of the same Agency.

The question arises, whether this Tribunal has the jurisdiction to entertain the present application of the applicant who is admittedly an employee of the Society registered under the Societies Registration Act. The learned counsel for the applicant accepts that no notification/<sup>regarding the Res. no 1/90</sup> has been issued under Sub-section 2 or 3 of Section 14 of the Administrative Tribunal's Act. The learned counsel for the applicant contended that the application is governed by the provisions of section 14(1)(b) clause (ii) which reads :

" a person (not being a member of an 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."

As regards to the jurisdiction of this Tribunal, the learned counsel for the applicant agreed that the applicant cannot be taken to be a person appointed to any civil service of the Union, but according to him the applicant holds<sup>a</sup> civil post under the Union.

He produced before us the guidelines of " Integrated Rural Development programme and allied programmes " issued in November 1988 and contended that

these guidelines show that the Union of India is not only the controlling but also the funding authority of the society. The guidelines are concerning matters such as staffing pattern etc. Annexure B to the guidelines provides the staffing pattern for the Rural Development Agency. However even though the staffing pattern is provided in the Manual and the Union of India has also the power to change or modify these guidelines or even the staffing pattern, in our opinion it would not mean that the posts held by employees of the Society can be taken as Civil posts under the Union for the purposes of the provisions of section 14(1)(b) clause (ii). Although the funds in the form of grant were to be given by the Union of India admittedly the appointments are to be made by the Societies which are to be formed under the programme and the service matters including termination of the services are within the powers of the Society. It is impossible therefore, to accept that the posts held by the employees of the Society could be considered as the post<sup>s</sup> held under the Union of India.

It was contended that the Union of India has issued a manual of amended guidelines. This is at annexure K to the application. These guidelines have created a new staffing pattern of the DRDAS. As has been stated above, the Union of India can certainly regularise the staffing pattern but such regularisation would be relevant only so far as the providing of the funds is concerned. There is nothing in the guidelines to show that the Union of India has any part to play either in the appointments or in the day to day working of the Societies or the Agency or in the termination of the employees of the Society formed under the said programme.

No doubt the words " Civil post under the Union " are not defined under the Administrative Tribunal's Act. However the Society has been defined under section 3(rr) and Society means " a Society Registered under the Societies Registration Act 1960." The most important fact so far as these provisions are concerned is that the Societies which are to be brought under the purview of the Act are expressly dealt with under the provisions of section 14(2) and (3) of <sup>the</sup> Administrative Tribunal's Act. It therefore follows that the intention was that if the service matters of the employees of registered Societies were to be under the jurisdiction of the Tribunal a notification had to be issued under the above said provisions. Such cases can be entertained by the Tribunal only if the notification under section 14(2) or (3) is issued. We cannot extend the meaning of the words " Civil post under the Union " in clause (ii) of Section 14(1)(b) to include the employees in the registered societies regarding which the notification has not been issued under section 14(2) or (3) of the Administrative Tribunal's Act. We, therefore, find that this Tribunal has no jurisdiction to entertain this application.

We may make it clear that this application is rejected for want of jurisdiction and not on the individual merits of the case. We further make it clear that it will be open to the applicant to approach the appropriate forum, ~~on authority~~. The application is rejected. No order as to costs.

Certified copy of the order to be issued to the counsel for the applicant urgently.



(V.D. DESHMUKH)  
MEMBER (J)



(M.Y. PRIOLKAR)  
MEMBER (A)