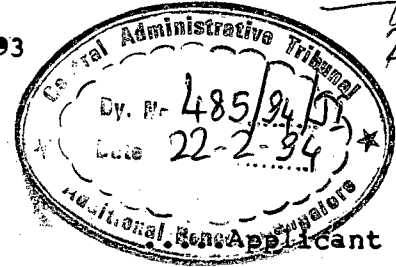


Recd 2 sets 8 reply statement from
MSP. No indication of service on
the other side.
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: : BANGALORE

O.A.No.779/93



Between

R. Cheluvaraj

Vs.

Union of India

...Respondent

REPLY STATEMENT OF RESPONDENT

Under Rule 12 of the Central Administrative Tribunal (Procedure) Rules, the respondent submit as follows:-

1. The applicant in the above application has prayed this Hon'ble Tribunal to direct the respondents to re-fix his salary in the opted scale according due protection salary drawn by him as per his Last Pay Certificat and to pass such other orders as deemed fit in the circumstances of the case.

2. The respondent respectfully submit that the applicant is not entitled for any of the relief for the following reasons and facts:-

3. Regarding para VI of the application:- The applicant was appointed by UPSC on deputation basis and

....2/-

not on regular basis.

4. Regarding para VII of the application:-The applicant is well aware that the pay of the Officer from State Govt. on deputation to Central Government is fixed after deducting DA, ADA & IR etc., from the basic pay drawn by him in his Parent Department. In this regard, this Department's letter No.A.19011/151/79-NSY-I dated 26.4.1980 refers (Annexure-I) (and Annexure II) but the same is still awaited at the basic pay of Rs. 850/-. The applicant may be directed to furnish the aforesaid information urgently to enable this Department to refix his pay.

5. Regarding para IX(i) of the application:-The pay of the applicant can be fixed only as per norms laid down by the Govt. of India, Ministry of Finance after his appointment as Youth Co-ordinator in this Department on deputation basis from State Govt. of Karnataka. He cannot be allowed the pay protection as requested by him.

6. Regarding para IX(ii) of the application:- In view of the position explained in para 4 above, it is prayed that this Hon'ble Tribunal be pleased to dismiss the application with costs.

7. All other averments in the application, which are not specifically traversed, admitted or denied herein above are hereby denied.

Wherefore, it is prayed that this Hon'ble Tribunal be pleased to dismiss the application in the

interest of justice and equity.

New Delhi.

Dated: 15/2/94


Sr. Central Govt. Standing Counsel
and Advocate for Respondents.


for Respondents.

(गौतम गुहा)

(GAUTAM GUHA)

उप सचिव/Deputy Secretary

मानव संसाधन विकास मंत्रालय

Min. of Human Resource Dev.

युवा कार्य एवं खेल विभाग

D/o Youth Affairs & Sports

भारत सरकार/Govt. of India

नई दिल्ली/New Delhi

VERIFICATION

I, Gautam Guha, Dy. Secretary to Govt. of India,
Ministry of Human Resource Development, Department of
Youth Affairs & Sport, New Delhi do hereby verify and
state that what is stated above is true and correct to
the best of my knowledge, information and are based on
records.

New Delhi.

Dated: 15/2/94


for Respondents.

(गौतम गुहा)

(GAUTAM GUHA)

उप सचिव/Deputy Secretary

मानव संसाधन विकास मंत्रालय

Min. of Human Resource Dev.

युवा कार्य एवं खेल विभाग

D/o Youth Affairs & Sports

भारत सरकार/Govt. of India

नई दिल्ली/New Delhi

F.NO:9-7/93-YS.I
GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF YOUTH AFFAIRS & SPORTS
.....

NEW DELHI, THE 28TH MARCH, 1994.

To

✓ Shri M.S. Padmarajaiah,
"PriyakaaVini",
Advocates,
NO:40, Lakshmi Complex,
IIIrd Floor,
(Opp. V.V. Hospital),
K.R. Road, Fort,
BANGALORE : 560 002.

SUBJECT : O.A.NO:779/93 filed by Shri R. Cheluvaraj,
Youth Co-ordinator, Nehru Yuva Kendra,
Chikmanglur v/s Union of India in Central
Administrative Tribunal, Bangalore Bench,
Bangalore - Regarding.

* * *

Sir,

I am directed to refer to your letter dated 15.03.94 on the subject mentioned above and to say that the Nehru Yuva Kendra Sangathan is an autonomous body under the Ministry of Human Resource Development, Department of Youth Affairs & Sports. It is a registered society, registered under the societies Registration Act, 1860.

Yours faithfully,



(SOMIT DASGUPTA)
DEPUTY SECRETARY TO THE GOVT. OF INDIA.

filed in Court
18/4/94
Go
Lib
E.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- *June*
7 MAY 1994

APPLICATION NUMBER: 779 of 1993.

APPLICANTS:

Sri.R.Cheluvaraj
To.

RESPONDENTS:

v/s. Secretary, M/o. Human Resources Development,
New Delhi.

1. Sri.G.R.Ramesh, Advocate,
No.55, Railway Parallel Road,
Kumarapark West, Bangalore-560 020.
2. Sri.M.S.Padmarajaiah, Senior C.G.S.C.,
High Court Building, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 27th May, 1994.

S. R. Ramesh
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

Issued

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

APPLICATION NO. 779/1993

DATED THIS THE TWENTYSEVENTH DAY OF MAY, 1994

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

MR. V. RAMAKRISHNAN, MEMBER (A)

Mr. R. Cheluva Raj
S/o. Sri Rangaiah
Aged 44 years
Youth Co-ordinator
Nehru Yuva Kendra
Chickmagalur.

... Applicant

(By Shri G.R. Ramesh, Advocate)

Vs.

The Secretary
Ministry of Human Resource
Development, Department of
Youth Affairs and Sports,
Shastri Bhavan, New Delhi-1.

... Respondent

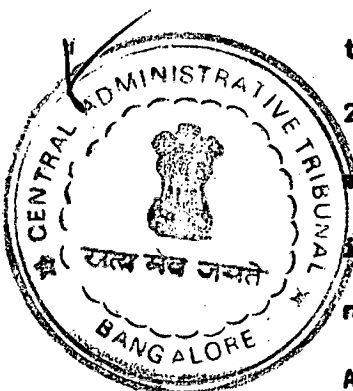
(By Shri M.S. Padmarajaiah, S.C.G.S.C.)

O R D E R

(Mr. Justice P.K. Shyamsundar, Vice Chairman)

Heard both sides at the stage of admission. This matter pertains to the fixation of the applicant's pay in an Institution called Nehru Yuvaka Kendra, which he claims is a Central Government organisation. The applicant's representations controverting the fixation of pay at that Institution has been of no avail. He has hence, approached this Tribunal for relief.

2. Learned Standing Counsel takes objection on the maintainability of the application contending inter alia the Institution, ~~department~~ is a registered society and is also one not notified under Section 14 of the Administrative Tribunals Act. Although it may seem the institution has all the appearance of



a Government controlled organisation, but in its core it is purely a simple registered society registered under The Societies Registration Act and hence urges that we have no jurisdiction. At this stage, Mr. Ramesh, learned counsel for the applicant tells us that the personnel who are working in the society are all paid from the Union Government. But that circumstances alone will not cloth us with jurisdiction to investigate into this controversy because prima facie the institution which the applicant is presently serving is a Registered Society simpliciter and the fact that it is funded by the Union Government will not bestow jurisdiction on us to deal with every administrative matter arising therein. When confronted with this situation, Mr. Ramesh took some time to reflect over the situation and if possible to come up with some other material that would rebut the contention put forward by the learned Standing counsel. Today, he tells us that his investigation have not yielded any result. Therefore, the applicant has little material to contradict the in limine objection regarding maintainability of this application. We take note of the submission of Mr. Ramesh and also on our own find that the controversy herein is one touching a registered society and although the applicant is presently an employee of the society having been deputed from the State Government, but notwithstanding all this, we have no jurisdiction in this matter. Accordingly, we direct this application to be returned to the applicant or his counsel so that they may take appropriate steps to present it before a proper forum and seek relief in the matter. It is ordered accordingly. No order as to costs. The applicant will take back

- 3 -

the papers and present the same before an appropriate forum within one month from the date of receipt of this order.

Sd

Sd —

h



(V. RAMAKRISHNAN)
MEMBER(A)

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

S. S. Chauhan 7/6

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE