

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.1288/94
this the 20th day of July, 2000

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI GOVINDAN S.TAMPI, MEMBER (A)

Smt. Lakshmi B.Desai,
F-003, Niranjan Housing Society,
Shimpoli Village,
Borivali(West)
Bombay-400 092. ... Applicant
(By Advocate Shri R.P.Sexena)

vs.

Union of India, through
The General Manager,
Canteen Stores Department,
Adelphi 119, Maharshi Karve Road,
Bombay-400 020. .. Respondent
(By Advocate Sri R.K.Shetty)

ORDER (ORAL)

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant who has been working as a Tailoring Instructress on a consolidated salary which was Rs.175/per month in the year 1965 which was revised periodically has filed this application for a direction to the respondents to regularise her services as Tailoring Instructress from the date of her initial appointment i.e. 1.3.1965 even by creating a supernumerary post and to give her the difference of pay and allowances between that of a regular post and what has been given to her with effect from 1.1.1986.

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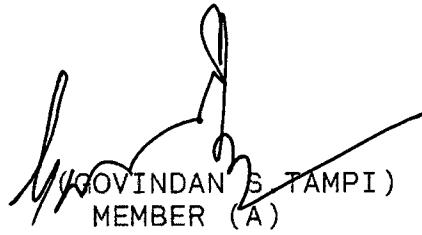
2. The respondents resist the claim of the applicant on the ground that the applicant is not a Government servant , or a person performing duties in connection with the affairs of the State, and that she was being paid from the General Manager,CSD Benevolent Fund and not from the Consolidated Fund of India. The respondents contend that the Tribunal has no jurisdiction to entertain this application or to grant the reliefs sought in this application .

3. Though the respondents in their reply statement have contended that the applicant is not discharging any function in connection with the affairs of the Union of India and that she is not being paid from the Consolidated Fund of India, but out of the General Manager's Benevolent Fund , the applicant has not filed any rejoinder. The applicant cannot contend that she is either a holder of a civil post or a person performing duties in connection with the affairs of the State. Under these circumstances, law is well-settled that the Tribunal cannot entertain such ^{an} application. If any authority is needed, the same can be had from the ruling of the Apex Court in Union of India vs. Chote Lal and others reported in 1999 SC SLJ p.66. We therefore decline to exercise jurisdiction and to grant the reliefs prayed for in this application as the applicant is not a person holding a civil post or discharging duties in connection with the affairs of the State or receiving wages from the Consolidated Fund of India. The application is therefore dismissed as the Tribunal

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cannot entertain her claim. We make it clear that the dismissal of this application would not preclude the applicant from approaching the appropriate forum for reliefs, if so advised and in accordance with law. No order as to costs.



(GOVINDAN S. TAMPI)
MEMBER (A)



(A.V. HARIDASAN)
VICE CHAIRMAN

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