

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 251/94.

Thursday, this the 24th day of June, 1999.

Coram: Hon'ble Shri Justice K.M.Agarwal, Chairman,
Hon'ble Shri R.K.Ahooja, Member(A).

1. Pandurang Savleram Arekar,
2. Kashinath Govind Hone,
3. Baburao Eknath Kanade,
4. Rambhau Narayan Mamdyal, and
5. Abdul Sattar,
C/o. Smt. Rekha Dasare,
Advocate, 6586, Laxmi Karanja,
Ahmednagar.Applicants.

(By Advocate Shri B.Ranganathan)
VS.

1. Union of India,
through the Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. Chief of Army Staff,
Army Head Quarters,
New Delhi.
3. Commandant,
Armoured Corps Centre
and School, Ahmednagar.Respondents.

(By Advocate Shri R.K.Shetty)

: O R D E R : (ORAL)

(Per Shri Justice K.M.Agarwal, Chairman)

The applicant an employee in the Printing Press of the Armoured Corps Centre and School at Ahmednagar has filed this OA against the respondents for certain reliefs.

2. The learned counsel for the respondents had brought to our notice the decision of the Supreme Court in **Union of India & Anr. Vs. Chotelal & Ors.** (1998(6) SCALE 515) to submit that this Tribunal has no jurisdiction to entertain or decide this OA. In similar circumstances, we find that ~~in~~ para 5 of the Supreme Court Judgment referred to above reads as follows :

"Rule 820 provides for administration of such Regimental Fund and 820 (a) clearly indicates that all funds other than public funds as defined in para 810 maintained by a unit, which are financed either wholly or partly from public money. Regulation further provides that the Commanding Officer

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...2.

acts as a trustee in relation to the 'Regimental Fund' and is responsible that the funds are properly applied with special reference to the object of the fund and for the benefit of the personnel or unit as a whole"

It is not disputed that the applicant was also getting his salary from the Regimental Fund and therefore, we also hold that the Regimental Fund cannot hold the Public Fund in the light of the aforesaid decision of the Supreme Court.

3. Accordingly, this OA is hereby dismissed for want of jurisdiction, with liberty to the applicant to take up the matter before the appropriate forum, if provided. No costs.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER (A)

KM
(K.M. AGARWAL)
CHAIRMAN

B.