

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. : 995/95,

~~Transfer Application No. 100.~~

Date of Decision : 15-12-95

Shri Kashinath B. Buranga,

Petitioner

Shri A. I. Bhatkar,

Advocate for the  
Petitioner

Versus

Union Of India & Another.

Respondents

Shri M. S. Sethna alongwith Shri Suresh  
Kumar for Respondent No. 1.

Advocate for the  
respondents


Shri Vijay Kantharia for respondent no. 2.

C O R A M :

The Hon'ble Shri B. S. Hegde, Member (J).

The Hon'ble Shri P. P. Srivastava, Member (A).

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

  
(B. S. HEGDE)  
MEMBER (J).

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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
GULESTAN BLDG. NO.6, 3RD/4TH FLOOR,  
PRESCOT ROAD, FORT, BOMBAY-400 001.

ORIGINAL APPLICATION NO.: 995 OF 1995.

Friday this, the 15<sup>th</sup> day of December 1995

CORAM : HON'BLE SHRI B. S. HEGDE, MEMBER (J).  
HON'BLE SHRI P. P. SRIVASTAVA, MEMBER (A).

Kashinath B. Buranga ... Applicant  
(Advocate by Shri A.I. Bhatkar)

VERSUS

1. Union Of India  
through the Secretary,  
Department of Atomic Energy  
Bombay - 400 001 ... Respondent no. 1  
(Advocate by Shri M.I. Sethna  
alongwith Shri Suresh Kumar).

2. Chief Administrative Officer,  
Nuclear Power Corporation,  
Tarapur Atomic Power Station,  
Thane - 401 504. ... Respondent no. 2  
(Advocate by Shri Vijay Kantharia).

: ORDER :

{ PER.: SHRI B. S. HEGDE, MEMBER (J) }

1. The applicant in this O.A. has challenged the impugned order dated 25.07.1995 terminating the services of the applicant with immediate effect. In the interim relief, he has prayed for the direction to the respondents from evicting the applicant from the residential accomodation which is in his possession. The Tribunal after hearing the Learned Counsel for the applicant, Shri A.I. Bhatkar, granted ex-parte interim relief on 18.08.1995, which has been continued from time to time.

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2. The brief facts are - the applicant is an employee of the second respondents i.e. Nuclear Power Corporation, Tarapur Atomic Power Station, Thane. Before joining the present respondents i.e. the second respondents, he was working in the office of the first respondents as a Lower Division Clerk and accepted the post of Assistant Security Officer in the office of the second respondents with effect from 18.11.1993 on regular basis. He states that the Nuclear Power Corporation is formed and set up under the Department of Atomic Energy and is wholly and fully controlled by the said Department of Atomic Energy.


3. The second respondents have filed their reply on 25.09.1995 taking preliminary objection in admitting the O.A. stating that the second respondents is a 100% Government Company, incorporated in the year 1987 under the provisions of the Companies Act, 1956 having its shareholders. The employees are appointed by officers of Respondent No. 2 in exercise of powers delegated by the Board and not by the Government. Since the respondent no.2 is not a Government department and no notification as required under Section 14 of the Administrative Tribunals Act is issued, this Tribunal does not have jurisdiction to go into the alleged service matters of the applicant. Firstly, the applicant is not on deputation to the Corporation. He resigned from his previous service. Secondly, he is not a Government servant, Therefore, the


application is required to be dismissed in limini.

Shri M.I. Sethna alongwith Shri Suresh Kumar appeared for the first respondents. Since they are the proforma respondents, they have nothing to say in this respect. Shri Vijay Kantharia appeared on behalf of respondent no. 2.

4. The Learned Counsel for the applicant, Shri Bhatkar, draws our attention in this connection to Section 14 (1)(b) that the applicant concerned comes under the control of the Government of India or of any Corporation (or Society) owned or controlled by the Government, thereby, he can seek remedy before the Tribunal. No notification is required under the provision of Section 14(1)(b). The said contention is not tenable and the same is rejected. Since admittedly as there is no notification under Section 14 of the Act and the Tribunal cannot take notice of such matters, as we do not have jurisdiction to go into the matters. In the absence of any notification under Section 14(2), this Tribunal do not have jurisdiction to entertain such petition.

5. In the light of the above, the O.A. is dismissed at the admission stage itself. The interim order passed on 18.08.1995 stands vacated. No order as to costs.

  
(P. P. SRIVASTAVA)  
MEMBER (A).

  
(B. S. HEGDE)  
MEMBER (J).