

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, MUMBAI.

ORIGINAL APPLICATION NO. : 589 of 1998.

Dated this Wednesday the 27th day of August 2008.

CORAM : Hon'ble Shri Jog Singh, Member (J).
Hon'ble Shri Sudhakar Mishra, Member (A).

Shri R.S. Pillai,
Assistant Technical Officer,
National Airport Authority,
Sahar, Mumbai.
R/at: A/2/2, New Airport Colony,
Sahar Road, Vile Parle (E),
Mumbai - 400 099.

... *Applicant*

(By Advocate Shri D.V. Gangal)

VERSUS

1. Union of India through
The Secretary,
Ministry of Civil Aviation,
New Delhi.
2. The Director General of
Civil Aviation, New Delhi.
3. The Chairman,
National Airport Authority,
New Delhi.
4. The Director of Communications,
A.C.S. National Airports
Authority, Mumbai 400 099.

... *Respondents*

(By Advocate Shri Satheesh Lal as instructed by
M/s. M.V. Kini & Co. on behalf of Respondents No. 2 & 3)


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ORDER

Per : Shri Sudhakar Mishra, Member (A).

By way of present O.A., the applicant is seeking a direction to the respondents to regularize him as Assistant Technical Officer w.e.f. 29.08.1984 with consequential benefits, including promotion, pay fixation, arrears, etc.


2. Briefly stated, the facts of the case are that, the applicant was initially appointed as a Radio Technician on 09.12.1969 by Civil Aviation Department and subsequently was promoted as Technical Assistant w.e.f. 01.11.1976. In the year 1983, some posts in the grade of Assistant Technical Officer fell vacant but the applicant could not be appointed on regular basis as he could not qualify the Sr. Technical Assistant course conducted by the department (C.A.T.C.). In the meanwhile, the National Airport Authority (hereinafter referred to as 'N.A.A.') was constituted by an Act of Parliament on 17.12.1985; namely - The Airport Authority of India Act, 1994, which was notified by way of Gazette, for the management of aerodrome and civil enclaves whereat domestic air transport services are being operated. Accordingly, the staff working under Civil Aviation Ministry was sent on deputation to the newly formed N.A.A. by order dated 30.05.1986. The services of the applicant, along with many other Technical Assistants, was placed at the disposal of the



N.A.A. w.e.f. 01.06.1986. By order dated 25.08.1987, the Chairman of the N.A.A., approved the appointment of applicant in the grade of Assistant Technical Officer in the Authority on ad hoc basis. Subsequently, the applicant was also absorbed in public interest in regular service of the N.A.A. w.e.f. 02.10.1989.

3. The case of the applicant is that, some similarly situated employees, working as Technical Assistant Officers with the Authority, had approached this Tribunal, particularly by way of O.A. No. 588/98, for retrospective regularisation as Assistant Technical Officer and the same relief was granted to the applicants therein. Since the applicant was not extended similar relief, he filed a contempt petition No. 67/96 before this Tribunal seeking similar reliefs to the present applicant also. A Division Bench of this Tribunal, by order dated 23.03.1998, granted the applicant liberty to file fresh O.A. or to convert the said C.P. into O.A. in order to avoid multiplicity of proceedings. Somehow, this matter was kept in the sine-die list and could not be taken up for final disposal earlier.

4. In the reply filed by the N.A.A., a preliminary objection has been raised as to the maintainability of this O.A. on the ground of want of notification under Section 14 (2) of the Administrative Tribunals Act, 1985, duly bringing in the N.A.A. under the jurisdiction of this Tribunal.



5. We note that the N.A.A. has been established as a Body Corporate by the Airport Authority of India Act, 1994 and Section 3 (2) of the said Act clarifies this position.


6. Admittedly, the above said N.A.A., which is a Body Corporate, has not yet been notified under Section 14 (2) of the A.T. Act, 1985. As such, this Tribunal does not have jurisdiction to entertain the service grievances of the employees of N.A.A. Similar view has been expressed by this Tribunal in the case of Shri S.J. Kakade Vs. Union of India & Others [O.A. No. 13/2007 decided on 31.07.2007].

The order is reproduced herein below:

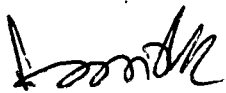
"The applicant has filed the present O.A. impugning the action of the respondents in issuing the charge sheet dated 8.11.2006 and impugned order dated 22.6.2006. Admittedly, the applicant has been appointed by the Airports Authority of India which has been created under an Act or Parliament namely, the Airports Authority of India Act, 1994. Admittedly, the above said Authority which is 'body corporate' in view of Section 3 (2) of the said Act and the same has not been notified under Section 14 (2) of the Administrative Tribunals Act, 1985. As such this Tribunal does not have jurisdiction to entertain the present O.A. In the circumstances, the learned counsel for applicant wishes to withdraw the same with a liberty to approach the appropriate forum as per law.


2. The O.A. is dismissed as withdrawn, with liberty to the applicant to approach the appropriate forum as per law. No order as to costs."

7. The O.A. is, therefore, dismissed for want of jurisdiction and without expressing any opinion on the merit of the issues raised by the learned counsel for applicant. However, the applicant is at liberty to



approach the appropriate forum for redressal of his grievance, if so advised, according to law. No order as to costs.


(SUDHAKAR MISHRA)
MEMBER (A)


(JOG SINGH)
MEMBER (J)

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