

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

O.A. No. 452/89
and MAs 703 and 704/91
~~XXXXX~~.

Date of Decision: 15-9-92

Smt. Radha Kumari Petitioner.

Mr. M. Surender Rao Advocate for
the Petitioner(s)

Versus

The Officer-in-Charge, Mahila Siksha Kendra
Secunderabad and 3 others Respondent.


Mr. N.V. Ramana Advocate for
the Respondent
(s)

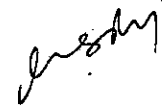
COR. M:

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

THE HON'BLE MR. C.J. Roy, Member (Judl.)

1. Whether Reporters of local papers may
be allowed to see the Judgment ? *yes.*
2. To be referred to the Reporters or not ? *yes.*
3. whether their Lordships wish to see the fair
copy of the Judgment ?
4. Whether it needs to be circulated
to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on Columns
1,2,4 (To be submitted to Hon'ble
Vice-Chairman where he is not on the
Bench.)


HRBS
M(A)


HCJR
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.452 of 1989

AND

M.A.NOs.703 and 704 of 1991

DATE OF JUDGMENT: 15th SEPTEMBER, 1992

BETWEEN:

Smt. Radha Kumari

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Applicant

AND

1. The Officer-in-Charge,
Mahila Siksha Kendra,
Secunderabad.

2. The Commanding Officer,
Mahila Siksha Kendra,
Secunderabad.

3. The General Officer-in-Command,
MSK 54 Infantry Division,
Secunderabad.

4. Mrs. Begam Jaheeda

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Respondents

(Respondent No.4 was impleaded as per
the orders in M.A.No.702/91 dated
21.6.1991)

COUNSEL FOR THE APPLICANT: Mr. M.Surender Rao

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri C.J.Roy, Member (Judl.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI C.J.ROY, MEMBER (JUDICIAL)

This application has been filed by the applicant claiming a relief to declare the show cause notice dated 10.4.1989 issued by the 1st respondent terminating her services as illegal, arbitrary and violative of articles 14 and 16 of the Constitution of India.

2. The applicant is a Lady Teacher working in the Mahila Siksha Kendra, HQ 54 Inf. Division, Secunderabad. She states that since she has worked for more than 11 years, without notice pay or compensation, her services should not be terminated. The applicant made some other allegations against the respondents which are not genuine to the issue for disposing of the O.A.

3. The respondents filed a counter affidavit. It is stated that the application is not maintainable for want of jurisdiction, as the Mahila Siksha Kendra is neither a Government organisation nor is it financed, either wholly or partly, by the Government. It is a welfare institution run on charity and ~~on~~ the salaries are paid from the contributions received from the income of the CSD Canteens. The Kendra imparts training in tailoring to such of the ladies or Army personnel of the HQ 54 Inf Division., who volunteer solely to supplement their family incomes by

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taking up tailoring as part-time job etc. As a considerable number of members of the Force are deployed in Sri Lanka as Peace Keeping Forces for the past two years, their families have left the station for their native places. At present there are no ladies who are ready to join the tailoring course. The Industrial Disputes Act is not applicable in this case, as the Kendra is not an industry as defined in the Act. The applicant has been assured of her employment, as and when the troops returned from Sri Lanka and provided sufficient number of ladies volunteer to join the training course in tailoring. As her appointment was purely temporary and subject to the functioning of the institution, the applicant is not entitled to any compensation. There are no merits warranting any interference by the Tribunal and the application is liable to be rejected for want of jurisdiction.

4. We have heard the learned counsel for the applicant Mr. I. Venkat Rao for Mr. M. Surender Rao and the learned Additional Standing Counsel for the respondents, Mr. N. V. Ramana and also perused the records.

5. Section 2 of the Administrative Tribunals Act, 1985 reads as follows:-

"Act not to apply to certain persons:-

The provisions of this Act shall not apply to-

a) any member of the naval, military or air force or of any other armed forces of the Union;

b) xxxxxx xxxxxx"

It is clear that they are also not come under the jurisdiction of this Tribunal.

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6. The Mahila Siksha Kendra is not notified under Section 14 of the Administrative Tribunals Act, 1985 for adjudication/ of the cases of their employees. That apart, the applicant was not paid out of the consolidated funds of the either Military Estimates or Defence Estimates. Her salaries are paid only from the contributions made by the ^{Wives of} officers ~~of the~~ Army. The applicant was appointed by the Mahila Shiksha Kendra which is not a Government organisation. It is one of the Projects under the Bison Wives Welfare Association (BWWA) which is purely a private Association.

7. Section 3(q) of the Administrative Tribunals Act, 1985 defines the "Service Matters" as follow:-

"3(q): In this Act, unless the context otherwise requires, -

(a) xxxxxxxx

(b) to (p) xxxxxxx

(q) "Service matters", in relation to a person, means all matters relating to the conditions of his service in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or, as the case may be, of any corporation (or society) owned or controlled by the Government, as respects-

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation;

contd....

To

1. The Officer-in-Charge,
Mahila Siksha Kendra, Secunderabad.
2. The Commanding Officer,
Mahila Siksha kendra, Secunderabad.
3. The General Officer-in-Command,
MSK 54 Infantry Division, Secunderabad.
4. One copy to Mr.M.Surender Rao, Advocate
plot 5-C, Bagh Amberpet, Hyderabad.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT Hyd.
6. One copy to Deputy Registrar(J)CAT.Hyd.
7. Copy to All Reporters as per standard list of CAT.Hyd.
8. One spare copy.

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- (iii) leave of any kind;
- (iv) disciplinary matters; or
- (v) any other matter whatsoever;"

8. In view of the above Section, we hold that this is not a service matter and we do not have jurisdiction to entertain this application. When a purely voluntary organisation pays out of contributions from the income of the CSD canteens etc., the service law is not attracted to this case. Therefore, we hold that this Tribunal has no jurisdiction to entertain this case.

9. In view of our findings that this Tribunal has no jurisdiction to entertain this case, the Office is directed to return the papers along with the M.A.Nos.703 and 704 of 1991 in which orders are not passed, for filing into a proper forum.




(R. BALASUBRAMANIAN)
Member (Admn.)



(C. J. ROY)
Member (Judl.)

Dated: 15th September, 1992.



Deputy Registrar (G).