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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

TRANSFERRED/ORIGINAL APPLICATION NO. 560 of 1990

DATE OF ORDER: 13th July, 1990

BETWEEN:

Mr. A. Shankarji and another

APPLICANT(S)

vs.

The Director, T.I.F.R., Bombay and
another

RESPONDENT(S)

FOR APPLICANT(S): Mrs. N. Shoba, Advocate

FOR RESPONDENT(S): Mr. E. Madan Mohan Rao, Addl. CGSC

CORAM: Hon'ble Shri B.N. Jayasimha, Vice Chairman
Hon'ble Shri D. Surya Rao, Member (Judl.)

1. Whether Reporters of local papers may be allowed to see the Judgment? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgment? No
4. Whether it needs to be circulated to other Bench of the Tribunal? No
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) *6/1* Q

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI B.N.JAYASIMHA, VICE CHAIRMAN

The applicants herein are Watchmen-cum-Drivers in the Tata Institute of Fundamental Research, Balloon Facility, ECIL Post, Hyderabad. They have filed this application questioning their non promotion to the posts of Drivers by calling for applications through Advertisement dated 25.6.1990.

2. We have heard the learned counsel for the applicants, Smt. Shoba and the learned Standing counsel for the Central Govt. Shri E. Madan Mohan Rao, Addl. CGSC. The office has raised an objection that the Tata Institute of Fundamental Research does not come under the purview of the Tribunal as no notification has been issued under Section 14(2) of the Administrative Tribunals Act, 1985 bringing the Institution under the purview of this Tribunal. From the papers annexed to the application, it is seen that the Tata Institute of Fundamental Research has its own bye-laws governing its functioning. No papers have been filed to show that it is a Department under the Government of India and not an autonomous institution. The Additional Standing Counsel for the Central Government states that it is an autonomous institution and unless a notification is issued, this Tribunal has no jurisdiction to entertain this application from the employees of the Institution. In the circumstances, it is clear that this Tribunal has no jurisdiction to

b/v

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entertain the application. The papers may be returned to the learned counsel for the applicants to enable her to file the application to a proper forum of jurisdiction.

(Dictated in the open Court).

B.N.Jayasimha

(B.N.JAYASIMHA)
Vice Chairman

D.Surya Rao

(D.SURYA RAO)
Member (Judl.)

Dated: 13th July, 1990.

Ambya
DEPUTY REGISTRAR (JUDL)

To

1. The Director, Tata Institute of Fundamental Research, National Centre of the Government of India for Nuclear Science and Mathematics, Homibaba Road, Bombay-5.
2. The Scientist-in-Charge, Tata Institute of Fundamental Research Balloon Facility, ECIL Post Office, Hyderabad - 762
3. One copy to Mrs. Shoba, Advocate
2-2-1105/21, Tilaknagar, Hyderabad - 044 (with Papers)
4. One copy to Mr. E. Madanmohan Rao, Addl. CGSC, CAT. Hyd. Bench.
5. One spare copy.

pvm.

vsn

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APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA: V.C.

AND

THE HON'BLE MR. D. SURYA RAO: MEMBER (JUDL.)

AND

THE HON'BLE MR. J. NARASIMHA MURTHY: M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

DATE : 13-7-96

ORDER / JUDGMENT

M.A./R.A./C.A./No. in

T.A. No.

W.P. No.

D.A. No. 560/90

Admitted and Interim directions Issued.
Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. ordered/Rejected.

No order as to costs.

Papers in Retention

Central Administrative Tribunal

DISPATCH

13-7-1996

HYDERABAD BENCH

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13/7/96