

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

O.A.NO. 145 of 1992.

Between

Dated: 20.2.1992.

Gajananda Gupta

...  
And

Applicant

1. The Under Secretary, Department of Official Language, Ministry of Home Affairs, Loknayak Bhavan, Khan Market, New Delhi.
2. The Govt. of India, represented by Secretary of Official Language, Ministry of Home Affairs, Loknayak Bhavan, Khan Market, New Delhi.

...

Respondents.

Counsel for the Applicant : Shri. Kaxra Prabhakara Rao.  
Counsel for the Respondents : Shri. N.Bheskar Rao, Addl. CGSC.

CORAM:

Hon'ble Mr. C.J.Roy, Judicial Member.

The Tribunal made the following order:-

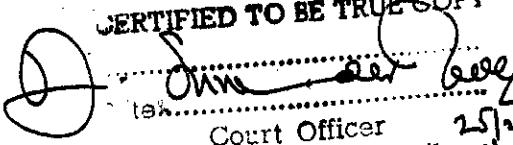
Sri Kaxra Prabhakara Rao, learned counsel for the applicant is present and heard. In this case the applicant is working as Official Language Assistant in Praga Tools Limited, which is a Public Sector Undertaking. In Annexure A-2 the Ministry of Home Affairs called for applications for filling-up the post of Research officer in the Department Official Language. The applicant is an aspirant to that post and his application was rejected by the 1st respondent on the ground that the definition Central Government office as given in Official Language Rules, 1976, applies "only to the policy of official Language but not in the matter of Government Service." Aggrieved by this the applicant comes before this Tribunal for an alleged grievance for redressal. It is absolutely clear for me after going through the sub-section (2) of section-14 of the A.T.Act, 1985, that there is no notification issued covering the applicant's undertaking. In this case it has to be established that whether the subject matter falls under the definition of service of Central Government and whether this Tribunal can exercise its jurisdiction. The learned counsel for the applicant argues that the Article 14 and 16 are applicable to this case and that this Tribunal has jurisdiction to entertain this application.

Contd:....2/-

The Office also raised an objection in regard to the jurisdiction of this Tribunal. The learned counsel for the applicant relies upon paras 4, 5 and 7 of the decision reported in AIR 1987 AP 230 in support of his contentions. In my opinion this decision is not applicable here because their lordships held in the above paras that the service matter includes not only for recruitment but also before the process of recruitment. Here the very question of recruitment is under the cloud. So in my opinion with respects to their lordships, the case is not applicable. However, without rejecting the application straightaway I order notice to the respondents to file a counter on all the above aspects cited supra. They may file their counter within six weeks with an advance copy to the learned counsel for the applicant, who may file the rejoinder, if any within two weeks thereafter. It is absolutely made clear that this notice is not an expression of opinion on the aspect of the case.

List the case on 16.4.1992.

Sd/-  
Deputy Registrar (Judl.)

CERTIFIED TO BE TRUE COPY  
  
Court Officer  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad.

Copy to:-

1. The Under Secretary, Department of Official Language, Ministry of Home Affairs, Loknaya Bhavan, Khan Market, New Delhi-110 003.
2. Secretary of Official Language, Ministry of Home Affairs, Loknaya Bhavan, Khan Market, Union of India, New Delhi-110 003.
3. One copy to Shri. Kagra Prabhakara Rao, advocate, CAT, Hyd-ba.
4. One copy to Shri. N. Shaskar Rao, Addl. CGSC, CAT, Hyd-bad.
5. One spare copy.

Rsm/-

