

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.234 of 1993

DATE OF JUDGMENT: 19th March 1993

BETWEEN:

Mr. Ch.Narayananacharyulu .. Applicant

AND

1. The Flag Officer Commanding-in-Chief,
Eastern Naval Command,
Visakhapatnam-14.
2. The Admiral Superintendent,
Naval Dockyard,
Visakhapatnam-530014.

Respondents

COUNSEL FOR THE APPLICANT: Mr. Ch.Narayananacharyulu,
Party-in-person.

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj, Sr. CGSC

CORAM:

Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

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

contd....

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

This application was filed under Section 19 of the Administrative Tribunals Act, 1985 praying for quashing the letter dated 4.8.1992 addressed by the 2nd respondent to Shri SM Moulali, Sr.Chargeman, YU Department, Naval Dockyard, Visakhapatnam stating that as per the rules, assistance of a retired Government servant can be taken subject to the condition that the Government servant should have retired from service and as in the instant case, since Shri Ch.Narayananacharyulu (the applicant herein) who was dismissed from service is not eligible to attend as a Defence Counsel. ~~or~~ ^{or} ~~not~~ stand.

2. Section 14 of the Administrative Tribunals Act, 1985 refers to the jurisdiction of the Central Administrative Tribunal. Section 14(1)(a), (b) and (c) are relevant for ^{They} consideration and reads as under:-

"14. Jurisdiction, powers and authority of the Central Administrative Tribunal:-

(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise on and from the appointment day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court) in relation to-

(a) recruitment, and matters concerning recruitment, to any All India Service or to any civil service of the Union or a

Civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) All service matters concerning -

(i) a member of any All India Service; or

(ii) a person not being a member of an All India Service or a person referred to in clause (c) appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian not being a member of an All India Service or a person referred to in Clause(c) appointed to any defence services or a post connected with defence,

and pertaining to the service of such member, person or civilian, in connection with 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 of any corporation or society owned or controlled by the Government;

(c) all service matters pertaining to service in connection with the affairs of the Union concerning person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation (or society) or other body, at the disposal of the Central Government for such appointment."

3. It is urged for the applicant that he had a right to defend an employee in disciplinary action as per Rule 14(8) of the Central Civil Service (Classification, Control

and Appeal) Rules and as he was not permitted to defend an employee in the disciplinary action, he has a right to question the same by agitating it in this Tribunal.

4. It is evident from Section 14(1)(a) of the Administrative Tribunals Act, 1985 that it is applicable in regard to recruitment and matters concerning recruitment only. Section 14(1)(b) refers to service matters. Section 3(q) defines service matters and it is as under:-

"service matters" in relation to a person, mean 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;
- (iii) leave of any kind;
- (iv) disciplinary matters; or
- (v) any other matters whatsoever."

The disciplinary matters referred to in Section 3(q) are in regard to the disciplinary matters of the applicant but in the present case, the applicant had not stated that it

Copy to:-

1. The Flag Officer Commanding in Chief, Eastern Naval Command, Visakhapatnam-14.
2. The Admiral Superintendent, Naval Dockyard, Visakhapatnam.
3. One copy to Sri. Ch. Narayanacharyulu, (Party-in-person), E/1 Pallava Park, Gancharapalem, P.O., Visakhapatnam-008.
4. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-

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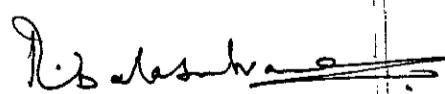
.. 5 ..

is in regard to disciplinary matters against him. It is a disciplinary matter against Shri Moulali. Thus, it does not come under Section 3(q)(iv). Section 3(q)(v) refers to any other matters whatsoever but the applicant has not drawn our attention to show that conditions of service referred to a right of an employee to defend another employee after his retirement. Thus, when the point raised in this proceeding is not in regard to service matter of the applicant, it does not come even within the ambit of Section 14(1)(b) of the A.T.Act. Even Section 14(1)(c) is not attracted. Thus, the point agitated in this OA does not come within the purview of Section 14 of the A.T.Act and as such this Tribunal has no jurisdiction to consider the relief claimed in this OA.

5. Accordingly, this OA is dismissed at the admission stage. But we observe that this order of dismissal does not debar the applicant to move an appropriate forum if he is so advised. No costs.

(Dictated in the open Court).


(V. NEELADRI RAO)
Vice Chairman


(R. BALASUBRAMANAIN)
Member (Admn.)

Dated: 19th March 1993.

vsn

contd. - 6/-

TYPED BY COMPARED BY
CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI
VICE CHAIRMAN

AND

THE HON'BLE MR. K. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY, : MEMBER (JULY)

DATED: 19/3/-1993

ORDER/JUDGMENT

R.P./C.P/M.A.NO.

in.

O.A. No. 234/93

T.A. No. _____ (W.P. No. _____)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

