

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.397/99

Date of order: 26/6/2000

1. Mohit Srivastava, S/o late Shri Laxmi Shankar Srivastava, 41A, Kushal Nagar, Opp. Sampooranand Bandigraha, Near Railway Crossing, Sanganer, Jaipur.
2. Smt. Shyam Kishori Srivastava, W/o late Shri Laxmi Shankar Srivastava, 41A, Kushal Nagar, Opp. Sampooranand Bandigraha, Near Railway Crossing, Sanganer, Jaipur.

...Applicants.

Vs.

1. Bureau of Indian Standards through the Director General, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi.
2. Director (Establishment) Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi.
3. Director, Bureau of Indian Standards, E-52, Chittaranjan Marg, C-Scheme, Jaipur, Rajasthan.

...Respondents.

Mr. Anudayati Maitra - Counsel for Applicant.

None for respondents.

CORAM:

Hon'ble Mr. S.K. Agarwal, Judicial Member

PER HON'BLE MR. S.K. AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicants make a prayer to set aside the order dated 10.3.99 passed by the respondents and to direct the respondents to give appointment to applicant No.1 on compassionate ground.

2. The case of the applicants is that father of applicant No.1 late Laxmi Shankar Srivastava was an employee of the respondents and was working as Section Officer prior to his death. It is stated that applicant No.1 is Bachelor of Commerce and studying ICWA has applied for giving appointment on compassionate ground. But the respondents rejected the prayer vide impugned order dated 10.3.99. Therefore, the applicants filed this O.A for the relief as mentioned above.

3. Reply was filed. In the reply the respondents have raised an objection regarding the jurisdiction of this Tribunal stating that this Tribunal has no jurisdiction to consider the service matters of the employees of Bureau of Indian Standards as this organisation is not notified as required under Sec.14(2) of the Administrative Tribunals Act.

4. Heard the learned counsel for the applicant and also perused the written submissions filed by the learned counsel for the

respondents.

5. The learned counsel for the applicant submits that in view of the provisions given under Sec.14 of the Administrative Tribunals Act, this Tribunal is having jurisdiction to entertain this O.A. On the other hand the learned counsel for the respondents has submitted in his written submissions that the Bureau of Indian Standards is established under Sec.3 of the Bureau of Indian Standards Act, 1986 which is not governed by the Indian Companies Act, 1956. He has further submitted that there is no notification under Sec.2 of the Administrative Tribunals Act for conferring jurisdiction to the Tribunal for the service matters, therefore, this Tribunal has no jurisdiction to entertain the objections.

6. I have given anxious consideration to the rival contentions of both the parties and also perused the whole record.

7. Sec.14 of the Administrative Tribunals Act provides 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 appointed 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

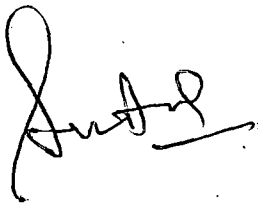
(ii) a person (not being a member of an All India Service or a person referred to in clause (c) appointed to any civil service of the Union or any civil post under the Union; or

(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 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 Govt 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 a 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.

(2) The Central Govt may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Govt. of India and to corporations (or societies) owned or controlled by Govt, not being a local or other authority or



corporation (or society) controlled or owned by a State Government:

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different class of, or different categories under any class of, local or other authorities or corporations (or societies).

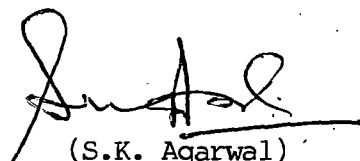
8. Admittedly Bureau of Indian Standards is an organisation created under the Bureau of Indian Standards Act, 1986 and no notification to the effect of giving jurisdiction to Central Administrative Tribunal over service matters of its employees was ever issued. As per the aforesaid provisions of the Administrative Tribunals Act this Tribunal can only have jurisdiction over the service matters of Bureau of Indian Standards if the notification to this effect was issued under Sec.14(2) of this Act.

9. The Calcutta Bench the CAT in O.A No. 812/94 decided on 25.8.94, BIS Employees union & Ors. Vs. UOI & Ors., it was held by the Division Bench of the Calcutta Bench of the Tribunal that "the applicant have sought for relief for revision of the pay scale which they are enjoying as the employees of Bureau of Indian Standards. Therefore this Tribunal have no jurisdiction to entertain this application."

10. In SAS Rizvi Vs. UOI, 1996 (34) ATC 41, it was held that if a common department is converted into an autonomous body, the Tribunal cannot exercise jurisdiction over the service matters of the employees working in that Corporation unless notification under Sec.14(2) of the Administrative Tribunals Act was issued for that Corporation.

11. In the instant case, Bureau of Indian Standards is autonomous body established under Bureau of Indian Standards Act, 1986 and no notification under Sec.14(2) of the Administrative Tribunals Act was issued for providing jurisdiction to Central Administrative Tribunal over the service matters of the employees of the Bureau of Indian Standards.

112. On the basis of the foregoing discussion, I am of the considered view that this Tribunal is having no jurisdiction to entertain this O.A. Therefore, this O.A be returned to the applicant for onward submission to the appropriate forum having jurisdiction.



(S.K. Agarwal)

Member (J).