

(14)

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
**ORIGINAL APPLICATION NO.060/00925/2014 &
MAs No.060/01373 & 01489/2014**
Chandigarh, this the 01st Day of September, 2015

...
**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A).
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J).**

...

1. Balbir Singh S/o Baldev Singh (Age 42 years), R/o Village Desummajra, Tehsil Kharar. Distt. Mohali
2. Dildar Chand S/o Late Shri T.R. Sharma (Age 38 years), R/o 348/A, Sector-29A, Chandigarh.
3. Mahabir Singh S/o Shri Raldu Ram (Age 39 years) R/o House No.15, Sector-20, Polic Colony, Chandigarh.

...APPLICANTS

VERSUS

1. Union of India through its Secretary, Ministry of Health and Family Welfare, Nirmal Bhawan, New Delhi.
2. Deputy Commissioner-Cum-Chairman, Indian Red Cross Society, Chandigarh Union Territory Branch, Karuna Sadan Building, Sector-11B, Chandigarh.
3. The SDM (E)-Cum-Secretary, Indian Red Cross Society, Chandigarh Union Territory Branch, Karuna Sadan Building, Sector-11B, Chandigarh.
4. The Joint Secretary, Indian Red Cross Society, Chandigarh Union Territory Branch, Karuna Sadan Building, Sector-11B, Chandigarh.

...RESPONDENTS

Present: Sh. Arvind Seth, counsel for the applicants.
Sh. Arvind Moudgil, counsel for respondent no.1.
Sh. Vaibhav Gupta, proxy for Sh. K.K. Gupta, counsel for respondent no.2 to 4.

18 _____.

15

ORDER

BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985, seeking direction to the respondents for regularization of the services of the applicants.

2. Written statement has been filed on behalf of Respondents no.2 to 4.

3. M.A. No.060/01373/2014 was filed seeking stay on termination of the services of the applicants & M.A. No.060/01489/2014 was filed seeking directions to the respondents to allow the applicants to continue to work as Drivers during the pendency of the O.A.

4. When the matter came up for hearing today, it was noticed that this Tribunal in a bunch of petitions including O.A. No.060/00267/2014 titled **Janak Raj Verma Vs. Union of India & Others** has held that this Tribunal has no jurisdiction over the State or District Red Cross Societies, and this matter pertains to a District Red Cross Society. Operative portion of that order is extracted herein under:

"13. In exercise of the powers conferred by sub-section (2) of Section 14 of the Administrative Tribunals Act, 1985 (13 of 1985), the Central Government issued a Notification dated 1.12.2008 fixing 15th day of December, 2008 as the date on and from which the provisions of sub-section (3) of Section 14 of the said Act shall apply to the organizations mentioned therein including Indian Red Cross Society (IRCS). The relevant entry is reproduced as under:-

As _____ .

Sr. No.	Name of the Corporation / Society/ Other authority	Status
1to189	Xxx	Xxx
190	Indian Red Cross Society (IRCS)	Statutory Autonomous Organization under Ministry of Health & Family Welfare
191	Medical Council of India	Statutory Autonomous Organization under Ministry of Health & Family Welfare

14. It is on the basis of the aforesaid notification that the respondents before the Additional District Judge, Ambala, took a plea that since the Indian Red Cross Society has been brought within the purview of jurisdiction of this Tribunal, the case was required to be sent to this Tribunal for adjudication. It is on their own application and plea that the appeal was allowed and case was sent to the Civil Court for transferring it to this Tribunal for adjudication. Now, the same respondents in their wisdom have taken an objection that this Tribunal has no jurisdiction to adjudicate over the issue.
15. Finding the contradictory stand taken by the respondents, a Bench of this Tribunal on 3.8.2015 directed the District Red Cross Society to file an affidavit as to whether they have an independent registration or they are part of the Indian Red Cross Society.
16. Learned counsel for the respondents has produced copy of a letter dated 1.4.2014 issued by the Indian Red Cross Society, New Delhi to one Sh. J.R. Verma, of Ambala City in response to information sought under RTI Act, 2005. The same also talks about nature and character of District Red Cross Society and provides as under :-

"All the State/UT/District Branches of Indian Red Cross Society are financially and administratively independent entities."the Policies and functions of all the State/UT/District Red Cross Branches are being managed by their respective Branch Committees. It is therefore the relevant information is not available with IRCS, NHQ"
17. The stand taken by the Indian Red Cross Society gives credence to the view taken by us as noticed above that State or District Red Cross Societies have independent existence

12



and they are not part and parcel of the Indian Red Cross Society and as such these societies being run at State/District level would not come within the purview of jurisdiction of this Tribunal even after issuance of Notification dated 1.12.2008 as the same only talks of Indian Red Cross Society (IRCS) and not the Societies independently formed at State/District level. We, thus, hold that this Tribunal has no jurisdiction over the service disputes raised in these Original Applications/Transferred Applications."

5. Hence in view of the decision in Janak Raj's (Supra) case, this O.A. is dismissed for want of jurisdiction. MAs No.060/01373 & 01489/2014 also stand disposed of accordingly.

6. The applicants are at liberty to approach the appropriate legal forum for redressal of their grievance.

(DR. BRAHM A. AGRAWAL)
MEMBER (J)

(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.
Dated: 01.09.2015.

'KR'