

CENTRAL ADMINISTRATIVE TRIBUNAL,

CHANDIGARH BENCH

Orders pronounced on: 12.08.2015
(Orders reserved on: 10.08.2015)

CORAM: **HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. RAJWANT SANDHU, MEMBER (A)**

(I) O.A. NO. 060/00267/2014

Janak Raj Verma son of Late Sh. Rattan Lal Verma, aged about 58 years, working as Assistant, Red Cross Office, Ambala, resident of 18, Mahavir Nagar, Ambala City, Haryana.

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Applicant

Versus

1. Union of India, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi.
2. District Red Cross Society, Ambala, through the President
3. District Red Cross Society, Ambala through the Secretary

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Respondents

Present: Mr. Rohit Sharma, Advocate, for the applicant.
Mr. V.K. Aryan, Advocate for Respondent No.1.
Mr. K.K. Gupta, Advocate for Respondents No.2&3.

(II) T.A. NO. 060/00007/2014 (CIVIL SUIT NO. 360/10)

Om Prakash S/o Late Sh. Bakhtawar Singh, aged about 64 years, R/o Vill. Nanhera, Ward No.2, Post Office Kuldeep Nagar, Ambala Cantt.

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Applicant

Versus

1. The District Red Cross Society, Ambala City, through its Secretary
2. The Deputy Commissioner-cum-President, District Red Cross Society, Ambala

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Respondents

Present: None the applicant.
Mr. K.K. Gupta, Advocate for Respondents

(III) O.A. NO. 1375-PB-2013

1. Davinder Singh S/o Gurcharan Singh, R/o H.No. 2595, Court Road, Bathinda earlier employed as Clerk-cum-Cashier, Satluj Gramin Bank, Branch Office, Mansa.
2. Harpraveen Kaur d/o Sh. Baldev Singh R/o VPO Rampura, District Bathinda, Punjab earlier employed as Clerk-cum-Cashier Satluj Gramin Bank posted at Head Office Bathinda.

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Applicants

Versus

1. Union of India through Secretary, Ministry of Health and Family Welfare, New Delhi.
2. The Indian Red Cross Society, District Branch Mansa through its Chairman-cum-Deputy Commissioner, Mansa.
3. The Deputy Commissioner Mansa, Mini Secretariat, Mansa.
4. Satluj Gramin Bank, A-4 Civil Lines, Bathinda through its Chairman

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Respondents

Present: Mr. Divyadeep Walia, Advocate, for the applicants.
Mr. Ram Lal Gupta, Advocate for Respondent No.1.
Mr. Ankit Joshi, Advocate for Mr. Vikash Chatrath,
Advocate, for Respondents No.2&3.
Ms. Kuldeep Kaur Ghumman, Advocate for
Mr. G.S. Bhatia, Advocate for R.No.4.

(IV) O.A. NO. 060/00595/2014

Mahaveer Prasad son of Sh. Maman Ram aged 45 years working as Orthotic and Prosthetic Engineer in the office of District Red Cross Society, Mahindergarh, Narnaul, Haryana.

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Applicant

Versus

1. The Secretary, Indian Red Cross Society, Haryana State Branch, Red Cross Bhawan, Sector 16, Chandigarh-160016.

2. District Red Cross Society, Narnaul, through Deputy Commissioner-cum-President, A-8, Officer Colony, Near Mahaveer Chowk, Narnaul, District Mahendergarh, Haryana.
3. The District Branch, Indian Red Cross Society through Secretary, Narnaul, Near Old Court, Narnaul, Haryana.

... Respondents

Present: Mr. D.R. Sharma, Advocate, for the applicant.
Mr. S.S. Kharab, Advocate for Respondents No.2&3.
None for R.No.1.

(V) T.A. NO. 060/00006/2014

Smt. Neelam Mohan, aged 49 years, wife of Shri Mohan Lal, resident of House No., 67, New Milap Nagar, Hissar Road, Ambala City, Ex. Clerk, District Red Cross Society, Ambala, at Ambala City.

... Applicant

Versus

1. The District Red Cross Society, Ambala at Ambala City, through its President-cum-Deputy Commissioner/Secretary, Ambala.
2. The President-cum-Deputy Commissioner, Ambala, at Ambala City, District Red Cross Society, Ambala.
3. Mr. M. Shayin, Deputy Commissioner-cum-President, District Red Cross Society, Ambala, at Ambala City.
4. The Secretary, District Red Cross Society, Ambala, at Ambala City.
5. Mrs. Alka Ghai, Secretary, District Red Cross Society, Ambala, at Ambala City.
6. State of Haryana, through the Secretary, Government of Haryana, Department of Social Welfare, Civil Secretariat, Haryana, Chandigarh.

... Respondents

Present: Applicant in person.
Mr. K.K. Gupta, Advocate for Respondents No.1,2&4.
Mr. Ramesh Kumar, AAG, Counsel for R.No.6.
None for Respondents No.3&5.

ORDER
HON'BLE MR. SANJEEV KAUSHIK , MEMBER (J)

1. A common question as to whether this Tribunal has the jurisdiction to adjudicate upon services disputes of aggrieved persons / employees of 'District Red Cross Societies' has arisen for consideration in all these five matters and as such these have been taken up for disposal by a common order.
2. For the facility of convenience, the facts are being taken from the case of **Neelam Mohan Vs. District Red Cross Society, Ambala** etc.
3. The applicant was initially employed as Clerk-cum-Typist-cum-Accountant in the District T.B. Association, Hospital, Ambala in the year 1979. Her services were transferred to the District Red Cross Society, Ambala in the year 1986. However, the services of the applicant came to be dismissed vide order dated 21.5.2008.
4. The applicant filed a civil suit No.193-CS of 2008 before the Civil Judge (Senior Division), Ambala on 15.10.2008 for a declaration that the termination order dated 21.5.2008 was illegal, null and void etc. and that she was entitled to be reinstated in service with all consequential benefits of payment of arrears of salary etc.

5. The aforesaid Civil Suit was decreed in favour of the applicant vide order dated 30.11.2013 and the impugned order dated 21.5.2008 was quashed and set aside. The applicant was legally held entitled to be reinstated to her job with continuity of service, with all the consequential service benefits including the payment of all the arrears of her salary w.e.f. the date of her termination till her reinstatement along with interest @ 6% per annum.
6. The respondents filed a Civil Appeal No. 126 of 2014 being No.0001264 dated 20.1.2014 in the court of Additional District Judge, Ambala, challenging the judgment and decree dated 30.11.2013 passed by the Court of Civil Judge (Junior Division), Ambala, inter-alia, on the ground that that the learned lower court had no jurisdiction to decide the suit as the Civil court jurisdiction had been taken away by a notification issued by the Government of India in the year 2008. The plaintiff was required to seek remedy before the Central Administrative Tribunal and not before a civil court and as such case may be transferred to this Tribunal. The learned Additional District Judge, Ambala, held that there was merit in the plea of the respondents that the matter is to be decided by this Tribunal and as such the matter was sent back to the learned lower

court for transferring the same to this Tribunal, hence the instant Transferred Application.

7. We have heard learned counsel available for the parties and examined the material on the file.
8. The learned counsel for the applicants argued that the District Red Cross Societies are branches of the Indian Red Cross Society constituted under the Indian Red Cross Society Act No. XV of 1920 and as such this Tribunal has the jurisdiction to entertain the instant Original Applications / Transferred Applications whereas taking a somersault the changed stand of the respondents is that this Tribunal has no jurisdiction to adjudicate over the dispute as the District Red Cross Society is distinct and different and has its own nature and character in formulation and as such has independent existence and thus this Tribunal cannot have jurisdiction to adjudicate over the disputes of employees of the said Society.
9. We have considered the submissions made by respective counsels for the parties carefully.
10. It was thought expedient to constitute an Indian Red Cross Society with a view to the continuation in peace time, on a wider basis and with a wider purpose, of the work carried on by the said Committee during the war, and to provide for the affiliation therewith of other Societies and Bodies having similar

objects and thus Indian Red Cross Society Act 1920 was enacted. In pursuance thereof, a Society known as the Indian Red Cross Society (hereinafter called the Society) was constituted. The legislature passed Act No. 22 of 1956 and the Adaptation of Laws (No.4) Order of 1957 and the Act No. 14 of 1992). Section 5 of the Act provided as under :-

"5. (1) The Managing Body may, with the approval of the President make Rules for the management, functions, control and procedure of the Society. The Rules may provide among other matters for the following namely: -

- (a) the conditions of membership of the Society;
 - (b) the appointment and term of the office of Members of the Managing Body;
 - (c) the choice of representatives on International and other Committees;
 - (d) the procedure of election of members by State Branch Committees;
 - (e) the constitution of Finance, Medical and other Committees and the delegation of powers to them;
 - (f) the powers exercisable by the Managing Body in supervising the activities of State Branch Committees;
 - (g) delegation of financial and administrative powers to the Chairman and the Vice Chairman;
 - (h) disqualifications for membership of the Managing Body;
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(i) the term of office and conditions of service of the Secretary General and the Treasurer and other officers of the Society;

(j) the regulation of the procedure generally of the Society and the Managing Body.

11. In pursuance of section 5 of the Indian Red Cross Society Act, 1929 (as amended by Act No. 22 of 1956 and the Adaptation of Laws (No.4) Order of 1957 and the Act No. 14 of 1992), the Indian Red Cross Society issued Rules for State/UT/District Branches. Some of the provisions of the Rules are reproduced as under :-

"1. (a) Legal Base The Indian Red Cross Society _____ State/UT Branch was incorporated under Indian Red Cross Society Act 1920 (as amended by Act No. 22 of 1956 and the adaptation of Laws (No. 4) Order 1957 and Act No. 14 of 1992.) The office of the Branch is located at _____. The organization shall hereafter be called _____ State/UT Branch of Indian Red Cross Society.

(b) Jurisdiction The State Branch will exercise jurisdiction over the entire territory included in the state _____ and the State Branch shall have power to supervise and regulate the activities of all its branches in the state. It shall also facilitate the constitution and development of local branches to achieve its objectives.
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C. Donations and Contributions Donations received by the Headquarters or any of the branches earmarked for a particular purpose for which the same is to be used, will be utilized by the receiving body for the purpose for which it was received, provided that in case of donations received by a District Branch and not earmarked for a particular purpose, 15 % of the same shall be payable to the State/U.T. Branch and 15 % to the National

Headquarters and in case of donations received by any of the State/UT branch not earmarked for a particular purpose, 15 % of the same shall be payable to the Headquarters.

Chapter VI relates to procedure for formation and other regulations which are reproduced as under :-

"1. Procedure for formation

a) The Managing Committee of the State/UT Branches shall form District Branches. All the District branches shall be under the control of the respective State/U.T. Branch.

b) A district branch may within the provisions of the State branch rules and regulations, subject to approval of the Managing Committee of the State/U.T. branch concerned, frame its own rules for running the affairs of the branch.

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2. President and Vice Presidents of District/Sub-District Branches

a) President:

The Deputy Commissioner of the District or District Magistrate shall be the President of the District Branch

b) Vice-President:

The Vice President shall be nominated by the President.

c) Chairman:

The Chairman of the Branch shall be elected by the District Managing Committee from among its members for a period of three years

d) Treasurer:

The Treasurer for the Branch shall be elected by the Managing Committee at its first meeting held after the Annual General Meeting.

3. Enrolment of Members. Members enrolled by the District Branches are members of the Indian Red Cross Society. Enrolments shall be in accordance with the rules, subscription and grades of membership laid down by the Managing Body at National Headquarters. District Branches shall submit to the General Secretary of the respective State/UT branch monthly list of new members enrolled along with 30 % share of membership subscription of the State Branch and National Headquarters. As soon as new members have been duly registered, certificates will be issued by the National Headquarters through the State/UT branch concerned.

A District branch will be expected to enroll, within one year of its formation, a minimum of 500 members of different categories.

4. Functions of the District Branches The functions of a District Branch shall be:-

a) To work towards achieving the objectives as specified under subheading 'objectives' in Chapter I of the Uniform Rules.

b) To enroll subscribing members in different categories from the general public as per rules ;

c) To collect donations, subscriptions from the general public, to retain/remit share to the State branch, as per rules;

d) To foster the interest in Red Cross work amongst the members ;

e) To support the respective State/UT branch financially and otherwise in carrying out the aims and objects of the Society;

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5. Management of District Branch A District branch shall have a Committee of at least ten members including a Chairman, a Vice Chairman and an Honorary Treasurer. All must be subscribing members of the Society. At the first meeting after the AGM all the members of the Committee and sub committee shall take oath to abide by the Fundamental Principles of the Movement and the Constitution of the Branch. The district Branch Executive Committee will appoint a Secretary who will conduct the Branch's day to day business and manage the Branch administrative structure. The Executive Committee shall form sub-Committees Viz. Finance Committee, Health Committee, JRC/YRC Committee, Disaster Mitigation Committee and other Committees as the Executive Committee may deem fit to deal with specific activities of the branch. Members of such committees must be the members of the Society but need not necessarily be the members of the Branch Executive Committee and an effort should be made to the end that these are persons who are particularly interested in the activity concerned are associated with it. The concerned heads of departments of Govt. in the Districts may be involved as co-opted ex-officio members in the respective Sub- Committees. The sub-Committees should be as broad based as possible to ensure for them the support of various sections of the public i.e. officials, educationists, medical personnel, traders, agriculturists, bankers etc."

12. A perusal of the aforesaid rule formulation would disclose that the Indian Red Cross Society has made separate rules for State/UT/District Branches even if the same are incorporated under Indian Red Cross Society Act, 1920 but the same has an independent nature and character and its existence is at State level and or district level and it has nothing to do with the Indian Red Cross Society at national level. The District Level

Society is an independent formation. It has its own jurisdiction concerned a State or a District. It has its own source of funding like donations and constitutions. Even procedure for its formation has been provided. It is mentioned in Chapter VI, Section 1 that the Managing Committee of the State/UT Branches shall form District Branches and all the District Branches shall be under the control of the respective State/U.T. Branches. It is provided that A district branch may within the provisions of the State Branch rules and regulations, subject to approval of the managing committee of the State/U.T. branch concerned, "frame its own rules for running the affairs of the branch". The procedure for President and Vice Presidents of District / Sub District Branches is provided. The enrolment of members is also given and as to what would be the functions of the District Branches has also been separately mentioned in the regulations. A District Branch is to have a Committee to run its affairs and an Executive Committee as well. All these factors go to show that a State or District Red Cross Society is an independent institution having a distinct and different character than the Indian Red Cross Society at national level.

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
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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 :-

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"

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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 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.
18. In view of the above all these Original Applications are held to be barred by the jurisdiction of this Tribunal.
19. Accordingly, T.A.No. 060/00006/2014 – Smt. Neelam Mohan Vs. Union of India & Others and T.A.No.060/00007/2014 – Om Parkash Vs. District Red Cross Society & Others, shall stand transferred to the Civil Judge (Junior Division), Ambala through the District & Sessions Judge, Ambala. Registry to take necessary action for transfer of case file after retaining a copy thereof for record.
20. The other three Original Applications shall stand dismissed being barred by jurisdiction, with liberty to the concerned

applicants to approach the competent court of law for redressal of their grievance, if so advised.

21. The parties are left to bear their own costs.

Jeers!
(SANJEEV KAUSHIK)
MEMBER (J)

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(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh
Dated: 12.8.2015

HC*