

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

0/00175/2014 Date of order:- February 26, 2014.

**on'ble Mr. Sanjeev Kaushik, Member (J).
on'ble Mrs. Rajwant Sandhu, Member (A).**

Maheshwari s/o Sh. Jagdish Prasad Maheshwari No.C-5,
Telecom Factory, Residential Area, Gate No.1, Ranital,
, Jabalpur (MP).

.....Applicant

(By Advocate :-Mr. Rajnish K.Gupta)

Versus

1. Union of India through Secretary Department of Health & Family Welfare, Nirman Bhawan, New Delhi.
2. Postgraduate Institute of Medical Education & Research at Chandigarh through its Director.
3. Director, Postgraduate Institute of Medical Education & Research, Chandigarh-160012.
4. Dr. Samir Malhotra, Additional Professor Department of Pharmacology, Postgraduate Institute of Medical Education & Research, Chandigarh-160012.
5. Dr. Nusrat Shafiq, Assistant Professor, Department of Pharmacology, Postgraduate, Institute of Medical Education & Research, Chandigarh-160012.
6. Professor Amitava Chakraborty Head, Department of Pharmacology, Postgraduate Institute of Medical Education & Research, Chandigarh-160012.
7. Professor Savita Malhotra, Convenor, Fact Finding Committee, Department of Psychiatry, Postgraduate Institute of Medical Education & Research, Chandigarh-160012.

...Respondents

1
L

O R D E R(Oral).

Hon'ble Mrs. Sanjeev Kaushik, Member (J):

The present Original Application has been filed by the applicant praying for the following relief:-

"to direct the respondent no.3 to conduct a formal enquiry against respondents no.4 and 5 with the charge of harassing and torturing the applicant in the capacity of guide and co-guide resulting into leaving the MD(Pharmacology) course by the applicant in between that too on the verge of completion by following the principles of natural justice and fair play by providing an opportunity of personal hearing to the applicant, in the interest of justice."

2. The learned counsel for the applicant was asked to explain as to whether this O.A is maintainable before this Tribunal under Section 14 of the Administrative Tribunals Act, 1985(for short Act, 1985), as the applicant has sought issuance of a direction to respondent no.3 to conduct a formal enquiry against respondents no.4 & 5 for harassing and torturing him which resulted him, to leave the MD (Pharmacology) course in between.

3. The learned counsel for the applicant submitted that since the applicant was harassed by the private respondents no.4 & 5, while he was doing the MD (Pharmacology) course from the PGIMER, therefore, a direction can be given to the official respondent no.3 to

1
L

conduct a formal enquiry against them and thereafter punish them, as per law.

4. We have considered the submissions made by the learned counsel for the applicant.

5. The preamble to the Administrative Tribunals Act, 1985, provides that it has been created for adjudication or trial of disputes and the complaints with respect to recruitment and conditions of services of persons appointed to public services and posts in connection with the affairs of the union. As such, if a person appointed to a public service has a complaint in respect of his recruitment or his condition of service, he can approach the Tribunal for the adjudication of the complaint. There is exclusion of jurisdiction of Courts except the Supreme Court as provided under Section 28 of the Act. It has been clearly laid down in Section 19 of the Act that in order to approach the Tribunal with an O.A, a person must be a aggrieved person, and the matter has to be for the redressal of a grievance relatable to service dispute. Can it be said that the prayer made in the present Application to direct the respondent no.3 to conduct a formal enquiry against respondents no.4 and 5 with the charge of harassing and torturing the applicant, would fall within the jurisdiction of this Tribunal, the answer to which query is negative.

1
L

6. The applicant is admittedly neither an employee, who may have approached for the redressal of his grievance qua any service dispute, nor is aggrieved against any order in relation to recruitment to a service. Rather, he is seeking directions from this Tribunal for conducting an enquiry against respondents no.4 & 5 which prayer does not fall within the domain of this Tribunal.

7. In view of the above, we are of the firm view that this OA is not to be entertained by us in view of the fact that the applicant does not fall within the definition of a "person aggrieved" under Section 19(1) of the A.T.Act, 1985. Accordingly, the Registry is directed to return the OA to the counsel for the applicant for approaching the appropriate court of law, after retaining one copy of the OA.

(RAJWANT SANDHU)
MEMBER (A).

(SANJEEV KAUSHIK)
MEMBER (J)

Dated:-February 26, 2014.

Kks