O.A. No.164/2016

This the 26th day of August 2016

Hon'ble Shri P.K. Basu, Member (A)

Mr. Prakash Chandra Agarwal, Age 73
Group A, Post General Manager
S/o Late Hari Das Agarwal
R/o E-806, C R Park,
New Delhi -110019   ... Applicant

(By Advocate: Shri Ajit K Singh)

Versus

1.   Ministry of Mines
      Through Secretary
      Shastri Bhawan
      New Delhi -110101

2.   Chief Executive Officers, Balio (Ministry of Mines)
      Bharat Allumunium Co. Limited
      Allumunium Sadan, Scope Complex
      Lodhi Road, New Delhi.   … Respondents

(By Advocate:Shri Amit Chawla for Shri H K Gangwani for
Res. No.1 and Shri Rajiv Aneja for Res. No.2)

O R D E R (ORAL)

        Heard the leaned counsel. The applicant was appointed

as Director (Commercial) in Bharat Aluminium Co. Ltd.

(BALCO), New Delhi on 18.12.1996. As such, he voluntarily

resigned from that post w.e.f. 02.03.2001.

2.   Learned counsel for the applicant states that since the

appointment letter dated 02.04.1997 was issued by M/o

Mines, he should be treated as an employee of Govt. It is

further stated that in that appointment letter his period of

appointment was for five years, though he served for less

than 5 years. He has claimed in this OA his pending dues i.e. gratuity, pension and dues of suspension period etc.

3.   Learned counsel for respondents has raised two objections (i) applicant being an employee of BALCO, this Tribunal has no jurisdiction to entertain this application, and (ii) having served for only 4 ½ years, he is not entitled for pension.

4.   The letter dated 02.04.1997 appointing the applicant as Director (Commercial), BALCO makes it clear that he was an employee of BALCO, which used to be a Public Sector Undertaking governed by Companies Act (now privatized). Therefore, the applicant was an employee of BALCO. Admittedly, BALCO is not notified under Section 14 of The Administrative Tribunals Act, 1985. Therefore, this Tribunal has no jurisdiction over this matter. Accordingly, this OA is dismissed. No costs.

(P.K. Basu)
Member (A)

/vb/