

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**RA NO.179/2016
OA NO.831/2012**

NEW DELHI THIS THE 20TH DAY OF SEPTEMBER, 2016

**HON'BLE MR P.K. BASU, MEMBER (A)
HON'BLE DR BRAHM AVTAR AGRAWAL, MEMBER (J)**

1. Dr. Ajit Kumar Yadav,
S/o of Shri R K Prasad
R/o qtr No4 Type-5
New Colony IHBAS Campus
Dilshad Garden Delhi-110095

2. Mr Durgesh N Dubey
S/o Shri T N Dubey
R/o Qtr No20 Type-3
Old Colony IHBAS Camous
Dilsad Gardan,Delhi-110095

3. Mr. Dhirender K .Rai.
S/o late Shri S.P.Rai
R/o Qtr No.21, Type-3
Old Colony IHBAS Camous
Dilsad Gardan,Delhi-110095

4. Ms.Sumita Wadhwa
W/o Shri kamal Wadhwa
R/O House No.B-4/63, Sec-7
Rohini,Delhi-110085

5. Mr. Soban Singh Rawat
S/o Sh. Bhagwan Singh Rawat

R/o Qtr NO.21, Type-II,
Old Colony, IHBAS Campus
Dilshad Garden, Delhi-110095Petitioners

(By Advocate: Mr. S. Mukerjee)

Versus

1. UOI & Ors.
Through Secretary,
Ministry of Health and Family Welfare
Govt. of India, Nirman Bhawan,
New Delhi
2. Joint Secretary,
Ministry of Health and Family Welfare
Govt. of India, Nirman Bhawan,
New Delhi
3. The Director
Institute of Human Behavior and Allied
Sciences (IHBAS)
Govt. of NCT of Delhi
G.T. Road, Dilsad Garden,
Delhi-110095
4. Govt. of NCT of Delhi
Through Chief Secretary
New Secretariat, I.P. Estate
New Delhi
5. The Secretary
Department of Health & Family Welfare,
Govt. of NCT of Delhi
New Secretariat, I.P. Estate
New Delhi

6. Dr.Vivek Rustagi
S/o Sh.V.N. Rustagi
R/o H.No.138,Dayanad Vihar,
Delhi-110092.
7. Dr. Rushi
W/o Mr.Abdul Arshad Naz
R/o Q.No.6,Type-V,
New Colony, IHBAS Campus,
Dilshad Garden, Delhi-110095
8. Shri Sanjay Kumar
S/o Sh. Keshar Prasad
R/o Q.No.6,Type-III
Old Colony, IHBAS Campus,
Dilshad Garden, Delhi-110095
9. Ms. Shabana Nikhat
D/o Mr. Manauwer Hussain
R/o H. No. 10A, MIG Flats,
Pocket 3, Kalpana Apts,
Mayur Vihar, Phase-III
Delhi-110096
10. Mr.Balram
S/o Sh. Lila Ram
R/o G-65, Phase-VI,
Ajay Nagar,Delhi-110047
11. Sh.Suresh Kumar Yadhav
S/o Sh. Jhoothar Singh
R/o Q.No. 11, Type-II,
Old Colony, IHBAS Campus,
Dilshad Garden, Delhi-110095
12. Mr. Phillip George V.G.

S/o Mr. Georage
R/o J-42, UG-II
Dilshad Colony, Delhi-110095

13. Mr. Jubin Joesph

S/o Mr Joesph P.L.
R/o H.No.911,
Janta Flats, GTB Enclave,
Nand Nagri, Delhi-110093

14. Sh Sandeep Bharija

S/o Sh, Harish Bharija,
R/o H.No. A-340,
Rajnigandha Apts, G.T. Road,
Shahibabad, Ghaziabad, UP.

15. Sh. Lalit Kumar

S/o Sh. Sukhbir Singh,
R/o H.No. 1/3676, Gali No.2,
Ram Nagar Extn., Loni Road,
Shahadara, Delhi-110032. ...Respondents

(By Advocate: Mr. Amit Anand)

ORDER (Oral)

HON'BLE SHRI P.K. BASU, MEMBER (A):

Heard the learned counsel and perused the order dated 12.08.2016 passed by us.

2. When the matter was heard, the question of jurisdiction of this Tribunal had been raised by respondent no.3 whether matters pertaining to IHBAS can be heard by this Tribunal or not. At this stage, the learned counsel for the applicants had desired

to withdraw the OA with liberty to approach the appropriate forum in accordance with law and hence the OA was dismissed as withdrawn.

3. Learned counsel for the applicants states that as per Para 3 of the order dated 12.08.2016 this Tribunal had actually dismissed the OA holding that Tribunal has no jurisdiction to entertain this matter. He, therefore, seeks deletion of paras-4 and 5 of the order wherein it is mentioned that the OA is dismissed as withdrawn. It is stated that in view of the order passed by us, they are unable to approach any other forum for redressal of their grievance. Our intention was not to deprive the applicant judicial remedy but just that the Tribunal had no jurisdiction to hear the matters relating to IHBAS. Therefore, it is clarified that vide order dated 12.08.2016 the OA had actually been dismissed on the ground that Tribunal has no jurisdiction. The applicants are at liberty to approach the appropriate forum in accordance with law treating the OA as dismissed on the ground of lack of jurisdiction.

(DR BRAHM AVTAR AGRAWAL)
MEMBER (J)

(P.K. BASU)
MEMBER (A)

/JK/