

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2291/2016

Reserved on: 28.09.2016
Pronounced on: 04.10.2016

Hon'ble Dr. B.K. Sinha, Member (A)

1. Kanwar Singh s/o Sh. Suraj Bhan,
R/o RZ-C-15, Old Roshanpura Extn.,
New Delhi – 110 043.
2. Babu Ram s/o Sh. Jai Kishan,
R/o Janta Mazdoor Colony,
Shahdara, Delhi – 110 053.
3. Sanjay Kumar s/o late Sh. Lal Chand,
R/o VPO Chandpur Khurd,
Delhi – 110 081.
4. Anup Singh Rawat
s/o Sh. Yashwant Singh Rawat
R/o Falt No. B-303, H.No.125/9,
Roop Apartment, Neb Sarai,
New Delhi – 110 068.
5. Shobh Lal s/o Sh. Ram Naresh Mauriya
R/o H.No.D-14, Princess Park,
Copernicus Marg,
New Delhi – 110 001. ...Applicants.

(By Advocate: Sh. Yashpal Rangi)

Versus

Govt. of NCT of Delhi & Ors. through

1. Chief Secretary,
IP Estate, Players Building,
New Delhi.
2. Divisional Commissioner-cum-Chairman,
Delhi Society for Prevention of Cruelty to Animals,
5, Sham Nath Marg,
Delhi- 110 054.
3. The Secretary,
Delhi Society for Prevention of Cruelty to Animals,
Boulevard Road,
Delhi – 110 054. ...Respondents

(By Advocate: Ms. Sonia for R-2 & R-3)

ORDER

The applicants, who have filed the instant Original Application, are employees of the Delhi Society for Prevention of Cruelty to Animals, a Society registered under Societies Act and not notified under Section 14 (2) of the Administrative Tribunals Act, 1985. The respondents have raised the plea of jurisdiction stating that by virtue of not being notified under Section 14 of the Act *ibid*, the jurisdiction of this Tribunal is ousted.

2. On the other hand, the learned counsel for the applicants has argued that the respondent-Society is an undertaking of the Government of National Capital Territory of Delhi [GNCTD] and all their staff and officers are employees of the GNCTD. It is further averred that the respondents require the services of Constables, as that of the applicants, which they duly requisition from Rajya Sainik Board following which they are appointed after due process of interview. Even the applicants have been issued Identity Cards under the authority of GNCTD. It is further submitted that the applicants are subject to the rules governing the employees of Delhi Government and are working under the State Government. Hence, the applicants are amenable to the jurisdiction of this Tribunal by virtue of Section 14 (1) (b)(ii) or 14(1) (c) of the Act.

3. The simple issue that has to be decided here is that whether the applicants are excluded from the jurisdiction of the Tribunal by virtue of not being notified under Section 14 (2) of the AT Act, 1985.

4. Learned counsel for the respondents also submitted a list of 202 organizations in respect of which the Tribunal has acquired jurisdiction under Section 14(2) of the Act. For the sake of greater clarity, the Section 14(1) and (2) of the Act are being reproduced hereunder:-

“14. Jurisdiction, powers and authority of the Central Administrative Tribunal.-

(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court in relation to-

(a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) all service matters concerning- (i) a member of any All-India Service; or (ii) a person [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union; or (iii) a civilian [not being a member of an All-India Service or a person referred in clause (c)] appointed to any defence services or a post connected with defence, and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any corporation [or society] owned or controlled by the Government;

(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a

person whose services have been placed by a State Government or any local or other authority or any corporation [or society] or other body, at the disposal of the Central Government for such appointment. [Explanation - for the removal of doubts, it is hereby declared that references to “Union” in this sub-section shall be construed as including references also to a Union territory.]

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations [or societies] owned or controlled by Government, not being a local or other authority or corporation [or society] controlled or owned by a State Government: Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations [or societies].”

5. A plain reading of sub clause 14 (1) (c) of the Act indicates that it would cover any person appointed to any service or post referred to in sub clause (ii) or sub clause (iii) of Clause (b), whose services have been placed by a State Government or any local or other authority or any Corporation/society or other body at the disposal of the Central Government.

6. Likewise, a plain reading of Section 14(2) of the Act provides as follows:-

- (i) There must be a notification of the Central Government;

- (ii) Specifying the provisions of sub section (3) to local or other bodies within the Indian territory or under the control of the Government of India;
- (iii) For Corporations or Societies owned and controlled by the Government;
- (iv) Such Societies or bodies should not be local or other authorities or corporations or societies controlled or owned by the State Government.

7. I have also looked up the list of 202 organizations/bodies which have been notified under Section 14(2) of the AT Act, some of which reads as follows:-

“List of organizations brought within the purview of Central Administrative Tribunal

Xxx	xxx	xxx
“2. Employees’ State Insurance Corporation	Corporation under the Ministry of Labour	Corporation under the Ministry of Labour
3. Central Board of Workers Education	Registered Society under the Ministry of Labour	Registered Society under the Ministry of Labour
4. National Council of Safety in Mines, Dhanbad	Registered Society under the Min. Of Labour	Registered Society under the Min. Of Labour
5. National Labour Institute	Registered Society under the Ministry of Labour	Registered Society under the Ministry of Labour
6. Council of Scientific and Industrial Research	Society under the Ministry of Science & Technology.	Society under the Ministry of Science & Technology.
7. Central Social Welfare Board	An authority controlled by Govt. under the Ministry of Human Resources (Deptt of Women & Child Development)	An authority controlled by Govt. under the Ministry of Human Resources (Deptt of Women & Child Development)
Xxx	xxx	xxx”

8. The case of the institutions/organizations mentioned above appear to be on a footing as good, if not better, as compared to the case at hand. The Employees’ State Insurance Corporation at serial no.2; Central Board of Workers Education at serial no.3 and National Council of

Safety in Mines, Dhanbad at serial no.4 are on equal footing. I further hold that provisions of Section 14(1)(c) would not apply to the facts of the instant case as the services of the applicants have not been placed by the State Government under the Central Government nor do I find the provisions of Section 14(1)(b)(ii) applicable to the instant case as the applicants do not qualify under Section 14(1)(c) as already held. Hence, for a clarity, the provisions of Section 14(1)(b)(ii) and 14(1)(c) have to be read harmoniously with that of Section 14(1)(ii) using the principle of harmonious construction. It, therefore, emerges that the above three provisions are not in contradistinction to one another but are rather supplementary. A certain categories, as mentioned in Section 14(1) are slated for *suo motu* inclusion within the list whereas Section 14(2) provides those which do not qualify under Section 14(1) but it is deemed necessary that their cases be adjudicated by the Tribunal. Since the applicants are not found qualifying to provisions of Section 14(1)(b)(ii) and 14(1)(c), I am of the opinion that there would be little justification for including the respondent organization within the jurisdiction of this Tribunal following this route.

9. Therefore, I find that this Tribunal has no jurisdiction to entertain the instant OA and the same is dismissed for

want of jurisdiction with liberty to the applicants to take recourse to such legal fora as they may deem fit for redressal of their grievances. No costs.

(Dr. B.K. Sinha)
Member (A)

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