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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH AT CALCUTTA

Original Application No. 351/819 /A&N of 2017  
MA 351/471/17

IN THE MATTER OF:

An application under section 19 of the Central  
Administrative Tribunal Act, 1985;

AND

IN THE MATTER OF:

1. Govt. Motor Transport Drivers Union,  
Through its General Secretary,  
Shri. P.K Khalid,  
Pot Blair,  
Directorate of Transport  
A & N Islands.
  2. Shri. K. Basheer  
Bus Driver,  
Bus Terminus, Port Blair  
Directorate of Transport  
A & N Islands.
  3. Shri. Abdul Salam,  
Bus Driver, STS Unit,  
Bus Terminus,  
Directorate of Transport,  
A & N Islands.
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4. Shri. Vijesh Lall,  
Bus Driver ,  
Bus Terminus, Port Blair  
Directorate of Transport  
A & N Islands.
5. Shri. C. Sanju Kumar,  
Bus Driver ,  
Bus Terminus, Port Blair  
Directorate of Transport  
A & N Islands.
6. Shri. P. Murugesan,  
Bus Driver ,  
Bus Terminus, Port Blair  
Directorate of Transport  
A & N Islands.
7. Shri. R. Muthuraman,  
Bus Driver ,  
Bus Terminus, Port Blair  
Directorate of Transport  
A & N Islands.
8. Shri. C. Asai Thambi,  
Bus Driver ,  
Bus Terminus, Port Blair  
Directorate of Transport  
A & N Islands.
9. Shri. M.A. Karim,  
Bus Driver ,  
Bus Terminus, Port Blair  
Directorate of Transport  
A & N Islands.

10. Shri. T. Somesh,  
Bus Driver, Bus Terminus  
Port Blair,  
Directorate of Transport,  
A & N Islands
11. Shri. T. Aboo Thahir,  
Bus Driver, Bus Terminus  
Port Blair,  
Directorate of Transport,  
A & N Islands.

.....Applicants

**-Versus-**

1. The Union of India  
Service through the Secretary,  
Ministry of information and Broadcasting,  
Shastri Bhawan, New Delhi - 110001.
2. The Chief Secretary,  
A & N Administration  
Secretariat, Port Blair. 744101
3. The Secretary cum-Director of Transport  
A & N Administration, Port Blair. 744102
4. The Deputy Director(Admn./Vig)  
Directorate of Transport,  
A & N Administration, Port Blair. 744102
5. The Asst. Director (Admn.)  
Directorate of Transport,  
A & N Administration, Port Blair. 744102

.....Respondents

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No. OA 351/819/2017  
MA 351/471/2017

**Present:** Hon'ble Mr. A.K.Patnaik, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

For the applicants: Mr.R.George, counsel

For the respondents: Mr.S.K.Ghosh, counsel

Heard on : 7.6.2017

Order on : 8.6.2017

**O R D E R**

**Ms. Jaya Das Gupta, Administrative Member**

The applicants in this case has approached CAT under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) Leave be granted to the applicants to move this original application jointly under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987 as the cause of action and the nature of relief prayed for is same having common interest in nature;
- b) A mandatory order directing the respondent authorities to cancel/set aside/rescind/quash or recall the transfer order No. 1595, dated 26.5.2017;
- c) To take necessary step to regularise the service of the applicants taking into consideration of their continuous service of more than 9 years rendered to the A&N Administration from their initial date of appointment with all consequential benefits and till then not to transfer the applicants from their initial place of engagement;
- d) Any other appropriate relief or reliefs, as Your Lordship may deem fit and proper.

2. It appears from the pleadings that the applicants are engaged on contract basis as temporary mazdoors/daily rated mazdoors to the post of Bus Drivers and Conductors under the Department of Transport from the year 2006. The services of the applicants have still not been regularised. The applicants have pleaded that they are not regular employees of the respondents.

3. Regarding jurisdiction, powers and authority of this Tribunal it will be worthwhile to quote relevant portions of Section 14 of Administrative Tribunals Act, 1985 :

"14. Jurisdiction, powers and authority of the Central Administrative Tribunal.—

2017

(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 to 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.]”

4. Hence it is clear that the applicants who are on contract basis working as Bus Drivers and Conductors are not eligible to approach CAT as CAT does not have any jurisdiction over such non-civilian employees. Their whole pleadings deal with the issue of transfer and not to regularise their services so that they become regular employee of the organisation. Unless they are regularised, question of consideration of transfer orders do not arise.

5. Hence as we do not have any jurisdiction over the matter in this case, the <sup>and MA are JWA</sup> OA is disposed of as being not maintainable. No order is passed as to costs.

(JAYA DAS GUPTA)  
ADMINISTRATIVE MEMBER

(A.K.PATNAIK)  
JUDICIAL MEMBER

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