

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

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No. O.A. 350/01591/2018

Date of order: 13-12-2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Dr. Rijuparna Chakraborty,
Daughter of Santosh Chakraborty,
Aged about 40 years,
Working as Research Faculty at the
Institute of Engineering and Management,
Sector-V, Salt Lake, Kolkata;
Residing at No. 45, Shitala Tola Road,
Dakshinpara, Barasat,
Kolkata – 700 124.

... Applicant.

Versus

1. Union of India
through the Secretary
Department of Atomic Energy,
Anushakti Bhavan, C.S. M. Marg,
Mumbai – 400 001.
2. Inter-University Centre
For Astronomy and Astrophysics
Through its Director,
Having office at Post Bag 4,
Ganeshkhind, Pune,
Maharashtra – 411 007,
Pune University Campus.
3. The Administrative Officer (Core Programmes),
Inter-University Centre For Astronomy and
Astrophysics (IUCAA) Post Bag No. 4,
Pune University Campus, Ganeshkhind, Pune,
Maharashtra – 411 007.
4. Dr. Manasadevi Priyamvadha
Thirugnanasambandam,
Scientific & Technical Officer-D,
Experimental Laboratory (LIGO-India).
5. Dr. Shivraj Kandhasamy,
Scientific & Technical Officer-E,
Experimental Laboratory (LIGO-India);
Sl. Nos. 4 & 5 having office at IUCAA,
S.P. Pune University Campus,
Ganeshkhind, Pune – 411 007.

... Respondents.

[Signature]

For the Applicant : Mr. K. Sarkar, Counsel

For the Respondents : None

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

An Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- “(i) To direct the respondents to reconsider the candidature of the applicant for appointment in the faculty positions at IUCAA of Scientific & Technical Officer-D & E – Experimental Laboratory (LIGO-India) in terms of interview held on 12.03.2018 at IUCAA, S.P. Pune University Campus, Ganeshkhind, Pune (Annexure “A-5”)
- (ii) To direct the respondents to deal with and/or dispose of the representation of the applicant dated 23.08.2018 as contained in Annexure “A-8” herein in its correct perspective;
- (iii) To direct the respondents to produce the entire records of the case before this Hon’ble Tribunal for effective adjudication of the issues involved herein;
- (iv) And to pass such or further order or orders as to this Hon’ble Tribunal may deem fit and proper.”

From the relief sought for, it is deciphered that the applicant’s primary claim is on IUCAA which is the Inter-University Centre for Astronomy and Astrophysics at Pune, Maharashtra.

2. No affidavit in service is found on record. The matter is taken up at the admission stage itself on the question of whether this Tribunal has the jurisdiction to adjudicate upon a matter in which relief is claimed against the Inter-University Centre for Astronomy and Astrophysics at Pune, Maharashtra.

3. According to Section 14 of the Administrative Tribunals Act, 1985, the jurisdiction, power and authority of Central Administrative Tribunal would be guided as follows:-

“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

Ansari

exercisable immediately before that day by all courts (except the Supreme Court³⁹ [***] 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 corporation⁴⁰ [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 corporation⁴⁰ [or society] or other body, at the disposal of the Central Government for such appointment.⁴⁰ [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 corporations⁴⁰ [or societies] owned or controlled by Government, not being a local or other authority or corporation⁴⁰ [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 corporations⁴⁰ [or societies].

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation⁴⁰ [or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court³⁹ [***]) in relation to—

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation⁴⁰ [or society]; and

(b) all service matters concerning a person [other than a person referred to in clause (a) or clause (b) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation⁴⁰ [or society] and pertaining to the service of such person in connection with such affairs."

4. It is highlighted herein that the Central Government may by notification apply w.e.f. such date, as may be specified in the notification, the provisions of Sub-Sections 2 and 3 to local or other authorities within territory of India or under the control of the Government of India and to Corporations (or Societies) owned and controlled by Government not being a local or other authority controlled or owned by the State Government. Rule 154 of the Central Administrative Tribunal

[Signature]

Rules of Practice 1993 refer to department-wise classification in accordance with Appendix VI of the said Rules.

5. Upon a specific direction of the Tribunal, the Registry has informed that the Inter-University Centre for Astronomy and Astrophysics, Pune, Maharashtra has not been included in the Department-wise classification list under Appendix VI of Rule 154(b) of the Central Administrative Tribunal Rules of Practice, 1993 that indicates the jurisdiction of the Tribunal.

6. The applicant has also not brought any documents on record to satisfy her claim that this Tribunal has the jurisdiction to deal with claims made upon IUCAA.

7. In this context, therefore, the Tribunal declines to intervene in this matter on grounds of lack of jurisdiction and disposes of the matter after observing that the applicant may seek redressal of her grievances at the appropriate forum, if so desired.

The O.A. is disposed of accordingly. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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- (a) Sl. No. of the appln.
- (b) Name of the applicant.....
- (c) Dt. of presentation or application for copy.....
- (d) No. of page.....
- (e) Copying fee charged/ urgent or ordinary.....
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- (g) Dt. of delivery of the copy to the applicant.....