

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 1752/2019

New Delhi this the 31st day of October, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

Sh. Balak Ram, Group 'D',
Aged about 61 years,
S/o late Jaswant,
R/o T-19, Old Nangal,
Delhi Cantt. Delhi
(Retired as Conservancy Jamadar No.1048) - Applicant

(By Advocate: Mr. Johri Mal for Mr. SK Gupta)

Versus

Union of India through

1. Secretary,
Ministry of Defence,
South Block, New Delhi

2. Chief Executive Officer,
Cantonment Board,
Ministry of Defence,
Delhi Cantt., Sadar Bazar,
New Delhi-110010

3. Accountant/Section Head,
Accounts & Pension Division,
Delhi Cantonment Board,
New Delhi-110010 - Respondents

(By Advocate: Mr. KK Sharma for R-1
Mr. Tanveer Singh Nanda for R-2 & 3)

ORDER (ORAL)

The applicant has filed the present OA, seeking the following reliefs:-

“(i) direct the respondents to release all retiral dues like pension and pensionary benefits which have

been withheld within the stipulated time period along with interest at the rate of 12% p.a. on all the arrears from the date when the amounts became due upto the date of actual payments;

- (ii) May also pass any further order(s), direction(s) as be deemed just and proper to meet the ends of justice.”

2. During the arguments, Counsel for the respondents 2 and 3 appeared and raised a preliminary objection of the jurisdiction of the CAT to decide this matter. He has been able to show from Para 5(a) of their short affidavit that the applicant had retired as Conservancy Jamadhar from the office of respondent no.2 on 30.11.2018 and the employees of respondent no.2 are governed by Cantonment Fund Serviced Rules, 1937 under which Rule 1 clearly provides that Cantonment Board is an independent legal entity which is separate from the Government and its employees are not the employees of the Central Government but the employees of the Cantonment Board which is body corporate. It further states that Section 10(2) of the Cantonments Act, 2006 defines Board to be a deemed municipality under clause(e) of Article 243P of the Constitution. In this regard, the respondents 2 and 3, in their short affidavit, have relied upon the decision of this Tribunal in OA No. 1171/1986 in the case of **Kamlesh Kumar Sharm Vs. Delhi Administration & Ors.** in which

the law has already been settled and which reads as under:-

“4.The Central Administrative Tribunal would not have jurisdiction to entertain the grievances of the employees of the local or other authorities within the territory of India even if it is owned or controlled by Government of India unless a notification is issued thereunder. Though the Cantonment Board is not expressly mentioned as one of the authorities in respect of which notification may be issued, since the Cantonment Board is discharging the functions of a local authority. It may fall within the ambit of sub-section(2) of Section 14 of the Administrative Tribunals Act.

5.Hence, unless a notification under sub-section (2) of Section 14 of the Administrative Tribunals Act, is issued the Central Administrative Tribunal cannot entertain the grievances of the employees of the Cantonment Board.”

They have further relied upon the decision of this Tribunal in OA No. 180/00538/2015 in the case of **A.V. Damoidaran & Ors. Vs. The Chief Executive Officer & Ors.**, in which it was held as under:-

“8.The Cantonment Board is separate from the Government and its employees are not the employees of the Central Government. Reliance has been placed on the decision rendered by the Hon’ble Supreme Court in Union of India v. RC Jain – (1981)2 SCC 308: AIR 1981 SC 951 where it was held that the employees of the Cantonment Board are employees of the Cantonment Board which is a body corporate. Since that body corporate has not been notified under Section 14(2) read with section 14(3) of the Administrative Tribunals Act, it cannot be said that the employees of the Cantonment Board are the employees of the Central Government.

11. To sum up, the Cantonment Board is an independent legal entity separate from the Government of India. Its employees are not employees

of the Central Government. Since the Cantonment Board is a separate legal entity a body corporate and since it is not a notified corporation, society or other institute it has to be held that the merits of the claim made by the applicants in this case.”

3. From the above it is clear that Cantonment Board is a separate legal entity which has not been notified under Section 14(2) read with Section 14(3) of the Administrative Tribunals Act and the law with regard to the jurisdiction of this Tribunal over the employees of the Cantonment Board has already been settled by the CAT in the OA Nos. 1171/1986 and 180/00538/2015. Hence, similarly, the case of the applicant, who had retired from the office of respondent no.2 of Delhi Cantonment Board, does not come under the jurisdiction of this Tribunal. Hence, the OA is dismissed for lack of jurisdiction. No costs.

(Nita Chowdhury)
Member (A)

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