

(1997) 09 SHI CK 0004

In the High Court Of Himachal Pradesh

Case No : C.W.P. No"s. 170, 203, 582/90, 130/92 and 1327/95

Dr. M.P. Dwivedi and Others

APPELLANT

Vs

Dr. Y.S. Parmar University and Another

RESPONDENT

Date of Decision : 18-09-1997

Acts Referred:

Administrative Tribunals Act, 1985 — Section 14, 14(1), 14(2), 15, 15(1)
Constitution (Forty-Second Amendment) Act, 1976 — Section 46
Constitution of India, 1950 — Article 12, 226, 227, 32, 323A
Himachal Pradesh University of Agriculture Horticulture and Forestry Act, 1986 —
Section 3
Industrial Disputes Act, 1947 — Section 36(4)

Citation : (1998) 2 ShimLC 196

Hon'ble Judges : M. Srimvasan, C.J.;Lokeshwar Singh Panta, J;A.L. Vaidya, J

Bench : Full Bench

Advocate : K.D. Shreedhar, in CWP Nos. 170, 582 of 90, Neel Kamal, in CWP No. 203 of 90, H.M. Sharma, in CWP No. 130 of 92 and L.C. Kapoor, in CWP No. 1327 of 95, for the Appellant; D.C. Jishtu in CWP No. 170, 203 and 582 of 90 and 130 of 92, Rajiv Sharma in CWP No. 582 of 90, B.P. Sharma and R.K. Sharma, in CWP No. 130 of 92 and Abhilasha Kumari and Inder Singh, General in CWP No. 1327 of 95, for the Respondent

Final Decision : Dismissed

Judgement

M. Srinivasan, C.J.—By order September 2, 1997, following two questions have been referred to a Full Bench for consideration:

(1) Whether the Himachal Pradesh University, Dr. Yashwant Singh Parmar University of Horticulture and Forestry and the Himachal Pradesh Krishi Vishva Vidyalaya are local or other authorities within the meaning of Section 15(2) of the Administrative Tribunals Act, 1985.

(2) Whether the said Universities are controlled or owned by the State Government.

2. All these writ petitions pertain to service matters in relation to employees in

the Universities. Dr. Y.S. Parmar University is a party to C.W.P. No. 170 of 1990 and C.W.P. No. 582 of 1990. Himachal Pradesh University is a party to C.W.Ps. No. 203 of 1990 and 130 of 1992. Himachal Pradesh Krishi Vishva Vidyalaya is a party to C.W.P. No. 1327 of 1995.

3. The questions referred to us arose on account of a preliminary objection raised by the second Respondent in C.W.P. No. 582/1990 to the maintainability of the writ petition in this Court. According to learned Counsel for the said second Respondent, all the three Universities will fall within the expression "local or other authorities" found in Section 15(2) of the Administrative Tribunals Act, 1985 (hereinafter referred to as the "Act"). It is also his contention that it is not necessary that local or other authorities mentioned in the section should be controlled or owned by the State Government in order to enable the State Government to issue a notification under that sub-section. According to learned Counsel, the expression "controlled or owned by the State Government" would apply only to Corporations or societies mentioned in the section immediately prior to the said expression. It is pointed out by him that the State Government has issued a notification on 29.8.1986 u/s 15(2) of the Act making the provisions of Sub-section (3) of Section 15 of the Act applicable to the local or other authorities and Corporations or societies controlled or owned by the State Government with effect from 1st day of September, 1986. Thus, according to him, from 1st September, 1986 onwards the Act became applicable to all local or other authorities and to all corporations or societies controlled or owned by the State Government. It is his contention that for the purpose of making the Act applicable to local or other authorities it is not necessary that they should be controlled or owned by the State Government.

4. When the said preliminary objection was raised by learned Counsel for the second Respondent in C.W.P. No. 582 of 1990, it became necessary to decide the question with reference to Dr. Yashwant Singh Parmar University in that case. The said University was incorporated under the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Act, 1986 by Section 3 thereof. Under the very same Act, the Himachal Pradesh Krishi Vishva Vidyalaya was also incorporated by the same Section. All the provisions applicable to both the said Universities in the said Act are the same.

5. Though the Himachal Pradesh University was incorporated under a different enactment, by name, Himachal Pradesh University Act, 1970, the question whether the said University would be governed by Section 15(2) of the Act and thereby service matters pertaining to that University would fall within the jurisdiction of the State Administrative Tribunal, arose for consideration inasmuch as the jurisdiction of the State Administrative Tribunal is derived from the provisions of Section 15(3) of the Act from the date with effect from which the Notification of the State Government makes the provisions applicable. As regards the said Himachal Pradesh University, a Division Bench of this Court had occasion to consider the applicability of the Act to service matters pertaining thereto in

Jeet Ram Thakur v. Himachal Pradesh University and Ors. 1988 (2) Sim.L.C. 51. The Division Bench held that the Himachal Pradesh University is an autonomous body, which is never owned nor controlled by the State Government and is an authority within the territory of India with the result that the relevant provisions of the Act can be made applicable to the University only by the Central Government in exercise of its powers u/s 14(2) of the Act. In that case, it was conceded that the University is never controlled nor owned by the State Government. The Division Bench on an interpretation of the provisions of Sections 14 and 15 of the Act came to the aforesaid conclusion the correctness of the said judgment of the Division Bench was challenged before us when the question of interpretation of Section 15(2) arose for consideration in C.W.P. No. 582 of 1990, as aforesaid.

6. The Division Bench before which these writ petitions were argued found that prima facie the view expressed in Jeet Ram Thakur's case (1988 (2) Shim.L.C. 51) requires re-consideration and, therefore, referred the matter to a Full Bench of three Judges. It is, thus, the present Full Bench came to be constituted and these cases have been posted for hearing.

7. Considering the importance of the questions to be decided by us, we had requested the learned Advocate-General to help us as amicus curiae. We are grateful to him for the services rendered by him intracing the history and object of the Act and also placing before us the relevant rulings to facilitate the work of interpretation of the relevant Sections in the Act. According to the learned Advocate-General, the decision in Jeet Ram Thakur's case requires re-consideration as the view expressed by the Division Bench that the provisions of the Act can be made applicable to the Himachal Pradesh University only by the Central Government in exercise of the powers conferred by Sub-section (2) of Section 14 of the Act is erroneous. It is also his contention that the University is controlled by the State Government within the meaning of Section 15(2) of the Act and consequently the notification issued by the State Government on 29.8.1986, referred to already, made the provisions of the Act applicable to all the three Universities, with which we are concerned in these cases.

8. Per contra, it is contended by Mr. D.C. Jistu appearing for the Himachal Pradesh University that the services of the employees of the University are based on contracts between the University on one hand and the respective employee on the other hand and, therefore, neither the provisions of the Article 226 of the Constitution of India nor the provisions of the Act would apply in matters pertaining to such services. Alternatively, it is contended by him that the University is an authority but not controlled or owned by the State Government and Section 15(2) of the Act will not apply.

9. Mrs. Abhilasha Kumari appearing for the Himachal Pradesh Krishi Vishva Vidyalaya has contended that the University would fall within the ambit of Section 14(2) of the Act and that the view expressed by Jeet Ram Thakur's case is correct. According to her, the University is not owned or controlled by the State

Government though it is an authority.

10. M/s K.D. Shreedhar, Neel Kamal, H.M. Sharma and L.C. Kapoor appearing for the Petitioners in these writ petitions have adopted the arguments of Mrs. Abhilasha Kumari.

10-A. It is necessary to have a peep into the legislative history of the Act in order to understand the relevant provisions. The Constitution of India was amended by the Forty second Amendment Act, 1976 with effect from 3.1.1977. By the said amendment Part XIV A was inserted in the Constitution through Section 46 of the Amendment Act. In the Statement of Objects and Reasons accompanying the Constitution Amendment bill, the following found a place:

To reduce the mounting arrears in High Courts and to secure the speedy disposal of service matters...it is considered expedient to provide for administrative...Tribunals for dealing with such matters.

11. Article 323A is one of the Articles found in Part XIV A of the Constitution. Clause(1) of the Article reads thus:

(1) Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons, appointed to public services and posts 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 owned or controlled by the Government.

12. Clause (3) of the Article is in the following terms:

The provisions of this Article shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.

13. Clause (2) of the Article enables a law made under clause (1) to provide for the establishment of an administrative tribunal for the Union and a separate administrative tribunal for each State or for two or more States.

14. In pursuance of the power conferred upon it by clause (1) of Article 323A, referred to above, the Parliament enacted the Act. In the statement of Objects and Reasons accompanying the Bill, the following recital was found:

The establishment of Administrative Tribunals under the aforesaid provision of the Constitution has become necessary since a large number of cases relating to service matters are pending before the various courts. It is expected that the setting up of such Administrative Tribunals to deal exclusively with service matters would go a long way in not only reducing the burden of the various courts and thereby giving them more time to deal with other cases expeditiously but would also provide to the persons covered by the Administrative Tribunals speedy relief in respect of their grievances.

15. The validity of the Act was upheld by the Supreme Court in S.P. Sampath

Kumar and Others Vs. Union of India (UOI) and Others, The Court held in that case that the Administrative Tribunal under the Act had been contemplated as a substitute and not a supplement to the High Court in the Scheme of the Administration of Justice, and it is entitled to exercise the powers thereof. The Court gave certain directions for making certain amendments in the provisions of the Act in order to make the Tribunal a real substitute of the High Court not only in form and de jure but in content and de facto. Those amendments were carried out by the Parliament.

16. However, the question whether the power of judicial review vested in the High Court under Article 226/227 of the Constitution could be excluded by the provisions of the Act came up for consideration in several cases. A seven-Judge Bench of the Supreme Court decided the question in L. Chandra Kumar Vs. Union of India and others, The Court held that clause (2) (d) of Article 323A to the extent it excludes the jurisdiction of the High Courts and the Supreme Court under Articles 226/227 and 32 of the Constitution is unconstitutional. The Court also held Section 28 of the Act and the exclusion of jurisdiction in all other legislations enacted under the aegis of Article 323A is to the same extent, unconstitutional. However, the Court held that the Administrative Tribunals constituted under the Act will continue to act like courts of first instance in respect of the areas of law for which they have been constituted and that it will not be open for litigants to directly approach the High Courts even in cases where the question of vires of statutory legislations (except where the legislation which creates the particular Tribunals is challenged) by overlooking the jurisdiction of the Tribunal concerned. Thus, the law is settled by the latest judgment of the Supreme Court to the effect that the Tribunals constituted under the Act will function as Courts of first instance in respect of the matters for which they are constituted. By the said pronouncement of the Supreme Court, the principle that the Tribunals are constituted in substitution of the High Court is erased and the Tribunals are made the Courts of first instance and the decisions of the Tribunals will be subject to the jurisdiction of the High Courts under Article 226/227 of the Constitution of India.

17. In the above back ground, we have to consider the provisions of the Act. The preamble to the Act reads as follows:

An Act to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts 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 in pursuance of Article 323A of the Constitution) and for matters connected therewith or incidental thereto.

18. The language used in the preamble is the same as that found in Article 323A of the Constitution. The only change made in the preamble is to introduce the words "or society" before the words "owned or controlled by the Government".

Thus, even a society owned or controlled by the Government will be governed by the Act just as any corporation owned or controlled by the Government. The same language, which is found in the preamble is repeated in Section 3(q) of the Act, which defines "service matters". The sub-section reads as follows:

(q) "Service matters", in relation to a person, means all matters relating to the conditions of his service 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, as the case may be, of any corporation (or society) owned or controlled by the Government, as respects:

- (i) remuneration (including allowances), pension and other retirement benefits;
- (ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and super annuation;
- (iii) leave of any kind;
- (iv) disciplinary matters; or
- (v) any other matter whatsoever;

19. There is no difficulty whatever in understanding the provisions of the preamble and Section 3(q) of the Act. By the said provisions, it is evident that the Act is applicable to persons appointed to public service and posts in connection with the affairs of the (1) Union; (2) of any State; (3) of any local authority within the territory of India; (4) other authority within the territory of India; (5) any local authority under the control of the Government of India, (6) any other authority under the control of the Government of India, (7) any corporation owned or controlled by the Government or (8) any society owned or controlled by the Government. This the position with regard to Section 3(q) also.

20. The same language is found in Section 14(2) of the Act also. That sub-section reads as follows:

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.

In that sub-section, the last part contains an exclusion whereby a local or other authority or corporation or society controlled or owned by the State Government are excluded. But for the exclusion, the remaining part of the sub-section read with Sub-section (1) shows that the section is made applicable to all the persons set out in the preamble.

21. While Section 14 sets out the jurisdiction, powers and authority of the Central Administrative Tribunal, Section 15 sets out the jurisdiction, powers and

authority of the State Administrative Tribunals. We are not concerned in this case with sub-section (1) of Section 15, which pertains to service matters concerning a person appointed to any civil service of the State or any civil post under the State and pertaining to the service of such person in connection with the affairs of the State or for any local or other authority under the control of the State Government or any corporation or society owned or controlled by the State Government. Sub-section (2) is the relevant provision, which has to be considered by us in the present case. That subsection reads as follows:

(2) The State 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 Anr. authorities and corporations (or societies) controlled or owned by the State Government:

Provided that if the State 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 subsection in respect of different classes of, or different categories under any class of, local or other authorities or corporations, (or societies).

22. The difference in the language between Section 15(2) and Section 14(2) is apparent. While Section 14(2) refers to local or other authorities within the territory of India or under the control of the Government of India and corporations and societies owned or controlled by Government not being a local or other authority or corporation or society controlled or owned by the State Government, Section 15(2) refers to local or other authorities and corporations or societies controlled or owned by the State Government.

The question is whether the expression controlled or owned by the State Government would apply to local or other authorities also or it would apply only to corporations or societies. According to normal rule of grammar, the said expression is applicable only to the words, which are immediately preceding, namely, corporations or societies. When there is a conjunctive after the words "local or other authorities" and before the words "corporations or societies", the normal interpretation is that the expression controlled or owned by the State Government should go only with the words "corporations or societies" and they cannot be tagged on with the words "local or other authorities."

23. Unless the normal grammatical interpretation goes against the object and purpose of the Act or the intention of the Legislature, as evident from the other provisions of the Act, the normal grammatical interpretation shall prevail.

24. In G.P. Singh's Principles of Statutory Interpretation, Fifth Edition, page 57, the law is stated thus:

The words of a statute are first understood in their natural, ordinary or popular sense and phrases and sentences are construed according to their grammatical meaning, unless that leads to some absurdity or unless there is something in the

context, of in the object of the statute to suggest the contrary. "The true way", according to LORD BROUGHAM is, "to take the words as the Legislature have given them, and to take the meaning which the words given naturally imply, unless where the construction of those words is, either by the preamble or by the context of the words in question, controlled or altered", (Crawford v. Spooner (1846) 4 MIA 179 and in the words of VISCOUNT HALDANE, L.C., if the language used "has a natural meaning we cannot depart from that meaning unless, reading the statute as a whole, the context directs us to do so" (Attorney-General v. Milne 1994 All. ER Rep 1061 (HL) p. 1063).

25. We have already referred to the object of the Act by questing the relevant recitals from the Statement of Objects and Reasons as well as the preamble of the Act. When the Section is read with the object of the Act and the preamble in the background, there can be no doubt whatever that the expression "local or other authorities" found in Section 15(2) forms a class different from "corporations or societies controlled or owned by the State Government. In other words, the necessity for ownership or control by the State Government to make the Act applicable by issuing the notification is only with reference to corporations or societies and not with reference to local or other authorities. Even if the local or other authority is not owned or controlled by the State Government, it can be notified under Sub-section (2) of Section 15 by the State Government hereby the provisions of Sub-section (3) are made applicable thereto.

26. A perusal of the provisions of the Act shows that the natural and grammatical meaning of Section 15(2) does not go against the intention of the Legislature as evident from the preamble and the other provisions of the Act. Nor does it defeat the object and purpose of the Act as seen from the Statement of Objects and Reasons. On the other hand, it will be in consonance with and furtherance of the object of the Act.

27. In such a situation, there is no need for construing the word "and" in Section 15(2) of the Act found after the word "authorities" and before the word "corporations" as "or". The Division Bench in Jeer Ram Thakur's case has opined that the word "or" has to be read as "and" and vice versa if some other part of the same statue or the clear interpretation of it requires that to be done. But the Division Bench has not referred to any section other than Sections 14 and 15 of the Act for expressing that opinion. The Division Bench has completely ignored the provisions of the preamble to the Act and Section 3(q) of the Act while interpreting the sub-section. If the intention of the Parliament is to be ascertained it must be by referring to all the provisions of the Act including the preamble, when in this case, the source of the Act is found in Article 323A of the Constitution the language employed there in should also be borne in mind.

28. The purpose of creating Central Administrative Tribunal and State Administrative Tribunals is expressly set out in Article 323A(2)(a) of the Constitution. A perusal of the said clause shows that the Central Tribunal is for

the Union and the State Tribunal is for the State or States concerned. That clause discloses the reason for the difference in language between Section 14(2) and Section 15(2) of the Act. Section 14(2) which deals with the Central Administrative Tribunal refers to all local or other authorities constituted by the Union Government or the Union Legislature, viz. the Parliament. But even among them those controlled or owned by a State Government are excluded from the purview of the sub-section. On the other hand, Section 15(2) deals with local or other authorities constituted by the State Government or State Legislature. It is not necessary that such local or other authorities should be controlled or owned by the State Government. This interpretation will not only be in accordance with the language of the Sections, but also the intention of the Legislature and purpose of the Act.

29. We have, in this connection, to keep in mind the following principle laid down by the Supreme Court in *Union of India and Ors. v. Filip Tiago De Gama of Vedem Vasco De Gama* AIR 1990 S.C. 981:

The paramount object in statutory interpretation is to discover what the Legislature intended. This intention is primarily to be ascertained from the text of enactment in question. That does not mean the text is to be construed merely as a piece of prose, without reference to its nature or purpose. A Statute is neither a literary test nor a devine revelation. "Words are certainly not crystals, transparent and unchanged" as Mr. Justice Holmes has wisely and properly warned. Learned Hand, J., was equally emphatic when he said: "Statutes should be construed, not as a the rooms of Euclid, but with some imagination of the purposes which lie behind them".

30. If the interpretation given in *Jeet Ram Thakur*'s case is accepted, an anomalous situation will arise. Then, with respect to service matters pertaining to persons employed in a local or other authority constituted by the State Government or State Legislature, the Central Government will be the appropriate Government to notify u/s 14(2) and all matters will have to go before the Central Administrative Tribunal. There is no earthly reason for placing those persons alone within the jurisdiction of the Central Tribunal, which is intended by the Constitution for the Union only. It will also lead to a practical difficulty and incongruity if the Central Administrative Tribunal concerned is situated outside the State in question. For example, the Central Administrative Tribunal for this State is in Chandigarh and if a matter pertaining to a local authority functioning only in this State but not owned or controlled by the State Government is decided by the Central Administrative Tribunal at Chandigarh, it will be subject to the writ jurisdiction of Punjab and Haryana High Court as well as this Court as part of the cause of action arises within this State and that State also. In a particular case, some employees may go to that High Court and some Ors. may come to this Court. The Legislature had no purpose to be served by making such a provision with reference to a local or other authority constituted or created by the State Government or State Legislature. It cannot by any stretch of

imagination be said that all local or other authorities not owned or controlled by the State Government are created or constituted by the Central Government or Parliament or that they should be under the control of the Central Government. Hence the interpretation given by the Division Bench in Jeet Ram Thakur's case is not acceptable. On the other hand, the interpretation given by us above is in accordance with normal and natural Rule of Interpretation and based on a harmonious construction of the Sections.

31. The matter can be approached from Anr. angle also. Before the passing of the Act, the High Courts had been exercising jurisdiction under Article 226 of the Constitution of India in relation to "State" as defined in Article 12 of the Constitution. That Article defines a "State" so as to include (i) Government (ii) Parliament of India (iii) the Government of each of the States (iv) the Legislature of each of the States (v) all local or other authorities within the territory of India and (vi) all local or other authorities under the control of Government of India. Under that Article, it is not necessary that local or other authority situated within the territory of India should be under the control of the Government in order to be a "State" as defined therein. Vide K.S. Ramamurthi Reddiar Vs. The Chief Commissioner, Pondicherry and Another,

32. Significantly, the same words are utilised in Article 323A which provides for the enactment of a law by the Parliament in substitution of the High Court. No doubt, the Supreme Court has struck down that part of the Article which excludes the power of judicial review of the High Court and Supreme Court. But even while doing so, the Supreme Court has held that the Administrative Tribunal will function as a Court of first instance. That means, the matters which could be dealt with by the High Court against a "State" as defined by Article 12 could be dealt with by the Tribunal constituted under the Act as the Court of first instance. A perusal of Article 12 shows that local or other authorities need not be owned or controlled by the State Government to satisfy the definition. Hence for the purpose of Section 15(2) of the Act, it cannot be said that the Legislature has introduced a condition that local or other authorities should be owned or controlled by the State Government in order that the State Government may issue a notification making the provisions of the Act applicable.

33. The following rulings were cited by learned Counsel in support of the proposition that as a rule of statutory interpretation "and" can be construed as "or" and vice versa:

- (i) The State of Bombay Vs. R.M.D. Chamarbaugwala,
- (ii) Mazagaon Dock Ltd. v. Commissioner of Income Tax and Excess Profits Tax AIR 1958 Supreme Court- 861.
- (iii) Ishwar Singh Bindra and Others Vs. State of U.P.,
- (iv) Paradip Port Trust, Paradip Vs. Their Workmen,
- (v) Municipal Corporation of Delhi Vs. Tek Chand Bhatia,

34. All the above decisions were based on the facts of those cases. In the context, in which the relevant provision was found in those cases, the Court either adopted the Rule of Interpretation that "and" can be construed as "or" and vice versa. But in a case where the natural grammatical meaning is in accordance with the intention of the Legislature and the object of the Act, the same has to be accepted and adopted.

35. In *Paradip Port Trust, Paradip Vs. Their Workmen*, referred to above, the Supreme Court rejected the contention of the Solicitor-General that "and" in Section 36(4) of the Industrial Disputes Act should be read as "or". The Court said that having regard to the history of the said legislation, recognition by law of unequal strength of the parties in adjudication proceedings before a Tribunal, intention of the law being to discourage representation by legal practitioners as such, and the need for expeditious disposal of cases, it cannot be held that "and" in the said section could be reads as "or"

36. In *Municipal Corporation of Delhi Vs. Tek Chand Bhatia*, referred to above, the Court quoted the words of Lord Halsbury L.C. in *Mersey Docks & Harbour Board v. Henderson* LR XIII (1988) AC 603 and pointed out that the reading of "or" as "and" is not to be resorted to unless some other part of the same statute or the clear intention of it requires that to be done. The Court also observed that the substitution of conjunctions, however, had been some times made without sufficient reasons and it had been doubted whether some of the cases of turning "or" into "and" and vice versa had not gone to the extreme limit of interpretation.

37. It is also worthwhile in this connection to refer to the judgment of the Supreme Court in *Sardar Gurmej Singh Vs. Sardar Partap Singh Kairon*, cited by learned Counsel for the Universities, in which the Court held that it is an elementary rule that construction of a section is to be made of all the parts together and not of one part only by itself and that phrases are to be construed according to the rules of grammar. (Underlining

38. Similarly in *Madanlal Fakirchand Dudhediya Vs. Shree Changdeo Sugar Mills Ltd.*, which was also cited by learned Counsel for the Universities, the Court held that the words used in a Section must have given their plain grammatical meaning.

39. Learned Counsel invited our attention to certain decisions of the Supreme Court, in which the general rules of construction of statutes have been set out. There can be no dispute whatever that all the provisions of the statute must be taken into consideration to ascertain the intention of the Legislature and no provision should be considered in isolation and de hors the other provisions of the Act. The following rulings are cited before us:

- (i) *The Bengal Immunity Company Limited Vs. The State of Bihar and Others*,
- (ii) *R.M.D. Chamarbaugwalla Vs. The Union of India (UOI)*,
- (iii) *Tahsildar Singh and Another Vs. The State of Uttar Pradesh*,

(iv) The Regional Provident Fund Commissioner, Bombay v. S.K.M. Manufacturing Company 1962 SC 1536.

(v) Board of Revenue, Uttar Pradesh Vs. Rai Saheb Sidhnath Mehrotra,

(vi) Commissioner of Income Tax, Patiala and Others Vs. Shahzada Nand and Sons and Others,

(vii) Sanghvi Jeevraj Ghewar Chand and Others Vs. Secretary, Madras Chillies, Grains and Kirana Merchants Workers Union and Another,

(viii) Union of India (UOI) Vs. Sankalchand Himatlal Sheth and Another,

(ix) K.P. Varghese Vs. Income Tax Officer, Ernakulam and Another,

(x) R.S. Nayak Vs. A.R. Antulay,

(xi) Girdhari Lal and Sons Vs. Balbir Nath Mathur and Others,

40. The salient principle set out in the above rulings is that the primary and foremost task of a Court in interpreting a statute is to ascertain the intention of the Legislature, actual or imputed and having ascertained the same, the Court must then strive to interpret the same so as to promote and advance the object and purpose of the enactment. In the present case, we have no doubt that the interpretation given by us to Section 15(2) will promote and advance the object and purpose of the Act. We have found that in the present case the natural grammatical meaning is quite appropriate in the context and there is no justification for discarding the same.

41. Jeet Ram Thakur's case came up for consideration before a Full Bench of this Court in Vinod Kumar v. H.R.T.C. and Ors. 1995 (2) SLC 24. The Full Bench expressed the opinion that the decision will require reconsideration in a suitable case. In our opinion Jeet Ram Thakur's case has not been decided in accordance with well settled principles of law. Hence, it is hereby overruled.

42. Our attention is drawn by the learned Advocate-General to a decision of the Himachal Pradesh Administrative Tribunal in Raj Kumar v. The Commissioner Temple Trust and Anr. ATR 1989 (2) HPAT 179. The Tribunal has expressed the opinion that the local or other authorities and Corporations or societies which are never owned nor controlled by the State Government are not amenable to the jurisdiction of the State Administrative Tribunal under the existing provisions of the Act. It has taken a view similar to that expressed in Jeet Ram Thakur's case though the decision was not cited in the judgment of the Tribunal. The reasons, which we have given for overruling the judgment in Jeet Ram Thakur's case will apply with equal force to the judgment of the Tribunal in Raj Kumar's case. Consequently, we hold that the judgment of the Tribunal in Raj Kumar's case (AIR 1989 HPAT-179, referred to above, is not good law.

43. All the Counsel appearing before us agreed that the Universities incorporated under the two statutes are "authorities" within the meaning of Sections 14 and

15 of the Act. The proposition is too well settled to be disappointed.

See:

- (i) Ashalata Vs. M.B. Vikram University and Others,
- (ii) The Gandhi Faiz-e-am Degree College Vs. The University of Agra and Another,
- (iii) Umesh Chandra Sinha Vs. V.N. Singh and Others,
- (iv) Sankar Prasad v. Sambhalpur University AIR 1975 Lab.I.C. 228 (Orissa High Court).
- (v) J.S. Mohapatra v. Orissa University of Agriculture and Technology, Bhubaneswar 1978 Lab.I.C. 658 (Orissa High Court).
- (vi) Chairman/Director, Combined Entrance Examination (CEE) 1990 v. Osiris Das, (1992) 3 SCC 543
- (vii) Kashi Vidyapith Vs. Motilal and others,

44. We have no difficulty in rejecting the contention of Mr. Jishtu that the services of the Petitioners originated in individual contracts and any alleged breach thereof cannot be canvassed before this Court or before the Administrative Tribunal. He has placed reliance on the provisions in the Universities Act and the Ordinances to show that each employee has to enter into a contract. Our attention is also drawn to the provision for deciding disputes between the University and the employees by arbitration.

45. Reliance is placed by him on the following judgments:

- (i) S.B. Dutt Vs. University of Delhi,
- (ii) Dr. Bool Chand Vs. The Chancellor, Kurukshetra University,
- (iii) Executive Committee, U.P. Warehousing Corporation Vs. Chandra Kiran Tyagi,
- (iv) Dr. Mohd. Khan Durrany v. The Principal (Shri Tulsi Ram) Shivaji College and Ors. 1971 (2) SLR 377.
- (v) Shri Vidya Ram Misra Vs. Managing Committee, Shri Jai Narain College, .
- (vi) Executive Committee of Vaish Degree College, Shamli and Ors. v. Lakshmi Narain and Ors. AIR 1976 SC 888.

46. None of the said rulings has any relevance in this case. As a matter of fact every employment is based on a contract express or implied. Even if the service has originated in a contract, if the dispute between the employer and employee is a service matter as defined in Section 3(q) of the Act, the Administrative Tribunal will have jurisdiction. The Universities being statutory authorities the provisions of the Act will apply in relation to the "service matters". Hence the contention is rejected.

47. For the aforesaid reasons, we hold that the three Universities fall within the ambit of Section 15(2) of the Act and the notification No. Per (AP-II)-B(19)-11/86 dated 29.8.1986 issued by the State Government applying the provisions of Section 15(3) of the Act with effect from 1.9.1986. Consequently, the Petitioners have to approach the State Administrative Tribunal in the first instance as all these writ petitions relate to "service matters" as defined by Section 3(q) of the Act.

48. Hence, we answer question No. 1 in the affirmative and hold that the three Universities mentioned therein are local or other authorities within the meaning of Section 15(2) of the Administrative Tribunals Act, 1985.

49. In view of the said answer to question No. 1, there is no necessity for us to consider the second question and give an answer thereto. That should have been considered only if our answer to the first question is in the negative. No doubt, Counsel on both sides argued at length as to whether the three Universities are controlled or owned by the State Government. They have also referred to several judgments, which prescribe the relevant tests for determining whether a particular body is owned or controlled by the State Government. Though, we have heard them at length on that question, we are of the opinion that it is wholly unnecessary in this case to consider the same. Hence, we leave that question open.

50. Before parting with the judgment, we place on record our appreciation of the tenacious and persuasive arguments of Counsel appearing on both sides, which disclose the industry and sincerity of the Counsel. We place on record our gratitude to the learned Advocate-General functioning as *amicus curiae* and helping the Court to a great extent.

51. In the result, the writ petitions fail and are dismissed with liberty to the Petitioners to approach the State Administrative Tribunal. The parties will bear their respective costs.