

(2018) 12 CAT CK 0049

In the Central Administrative Tribunal

Case No : Original Application No. 60, 182 Of 2017, Miscellaneous Application
No. 60, 249 Of 2017

Dr. Vinod Kumar Kalra

APPELLANT

Vs

Indian Red Cross Society

RESPONDENT

Date of Decision : 03-12-2018

Acts Referred:

Administrative Tribunals Act, 1985 — Section 14(2)

Citation : (2018) 12 CAT CK 0049

Hon'ble Judges : Sanjeev Kaushik, J;P. Gopinath, J

Bench : Division Bench

Advocate : Harinder Sharma, A.D.S. Bal, Surinder Jaipal, S.P.S. Kaang

Final Decision : Disposed Off

Judgement

1. The present Original Application (OA) has been filed by the applicants assailing the advertisement dated 05.12.2015 (Annexure A-13), whereby the respondents have notified the vacancy, occupied by the applicants, on the ground that they cannot be replaced, as they were appointed on regular basis, and thus, impugned advertisement is illegal, arbitrary, discriminatory and violative of Articles 14 & 16 of the Constitution of India. Another prayer has been made by the applicants to direct the respondents no.1 & 2 to treat applicant no.1 as Lecturer / Assistant Professor and applicant no.2 as Principal as regularly appointed in the respondent no.3 Institute for all intends and purposes and to grant them all such benefits as provided to the regularly appointed members of the respondent-Institute.

2. On the last date of hearing, when the matter came up for hearing, learned counsel for respondents no.1 to 3 raised a preliminary objection with regard to the maintainability of the OA, and produced a copy of order in OA No.060/00267/2014 titled as Janak Raj Verma versus Union of India and others, decided on 12.08.2015 by this court, wherein this court came to the conclusion that service dispute of the employees of the District Red Cross Society does not

lie within the jurisdiction of this Tribunal, accordingly, the OA was dismissed being barred by jurisdiction, with liberty to the concerned applicants to approach the competent court of law. In support of his contentions, he placed reliance upon the judgment of Hon'ble Punjab and Haryana High Court in the case of Sukhwant Kaur versus District Red Cross Society, Moga and another, in CWP No.23590 of 2014, decided on 07.12.2015, whereby the similar issue has been put to rest and the Hon'ble High Court also recorded findings therein the Tribunal has no jurisdiction over the employees of the District Red Cross Society. Therefore, it is submitted that this petition be dismissed for want of jurisdiction.

3. Learned counsel for the applicants submitted that initially the applicant approached the Hon'ble High Court by filing CWP No.26159 of 2015, where the respondents raised a plea that the Hon'ble High Court has no jurisdiction to entertain this petition. The Jurisdiction of the Central Administrative Tribunal was pleaded in terms of sub-section (2) of Section 14 of the Administrative Tribunals Act, 1985, as Indian Red Cross Society falls within the jurisdiction of the Central Administrative Tribunal. The OA was disposed of while relegating the applicants to avail the remedy before the Central Administrative Tribunal, by order dated 31.05.2016 (Annexure A-1), thereafter the applicants approached the Education Tribunal by filing Petition no.45 of 2016 (Annexure A-2), wherein also the respondents raised a similar plea and based upon the reasons, the applicant was directed to approach the Central Administrative Tribunal to have jurisdiction over the subject matter, by order dated 07.02.2017. It was also stated therein, the interim order shall remain in operation till the status quo was ordered by the Education Tribunal.

4. Learned counsel for the applicants further submitted that before the Hon'ble High Court as well as the Tribunal, the respondents have raised a similar plea, therefore, he has again approached the Education Tribunal, which disposed of the petition, vide order dated 07.02.2017. However, it is submitted that he be allowed the similar benefit of stay for further 15 days, in the meantime, he will approach the competent court of law.

5. In the wake of the above noted facts, we dispose of this petition, by relegating the applicants to approach the competent court of law, who has the jurisdiction over the subject matter. Interim order as granted by the Education Tribunal, shall remain in force for further period of 15 days from today.

6. In the light of the above, the OA is disposed of, by holding that this court does not have jurisdiction over the employees of District Red Cross Society. Connected MA also stands disposed of. No costs.