
(1996) 09 SHI CK 0023
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 1816 of 1996

Naresh Kumar

APPELLANT

Vs

Municipal Corporation

RESPONDENT

Date of Decision : 24-09-1996

Acts Referred:

Administrative Tribunals Act, 1985 — Section 15(2), 15(3)

Citation : (1997) 1 ShimLC 158

Hon'ble Judges : M. Srinivasan, C.J.; Kamlesh Sharma, J

Bench : Division Bench

Advocate : R.P. Singh, for the Appellant; K.L. Bali, for the Respondent

Final Decision : Dismissed

Judgement

M. Srinivasan, C.J.—This is a matter which is governed by the Administrative Tribunals Act. A question is raised whether the Municipal Corporation falls within the scope of the Act. The Notification is issued by the State Government on 29-8-1986 in exercise of the powers conferred by Sub-section (2) of Section 15 of the Administrative Tribunals Act which states that the State Government specified the 1st day of September, 1986 as the date on and from which the provisions of Sub-section (3) of Section 15 of the Administrative Tribunals Act shall apply to the local or other authorities and Corporations and Societies controlled or owned by the State Government. It is submitted that the expression "controlled or owned by the State Government" will not apply to the local authorities. We are unable to accept this contention. In so far as the local authorities are concerned, it is not necessary that they should be controlled or owned by the State Government. Even otherwise, we find from the provisions of the Municipal Corporation Act that Chapter 23 of the said Act provides for control by the State Government over the Municipal Corporation. Various powers are conferred on the State Government under Sections 339 - 404 including the power of dissolution of Corporation, which shows clearly that the Corporation is controlled by the State Government.

2. In the circumstances, this Court has no, jurisdiction to deal with this writ petition, being a(sic) service matter. It is open to the Petitioner to move the Administrative Tribunal with an appropriate application.

C.M.Ps. No. 3698 and 3699 of 1996:

3. In view of the orders passed in the Writ petition, these applications are dismissed.