

(2007) 02 DEL CK 0074

In the Delhi High Court

Case No : Writ Petition (C) 3768 of 2003

Principal Kendriya Vidyalaya Sangathan

APPELLANT

Vs

Jahangir Khan and Another

RESPONDENT

Date of Decision : 15-02-2007

Acts Referred:

Administrative Tribunals Act, 1985 — Section 14(2)
Industrial Disputes Act, 1947 — Section 10(1), 10(2A)

Citation : (2007) 139 DLT 406 : (2007) 113 FLR 856 : (2007) 2 LLJ 1066

Hon'ble Judges : Rekha Sharma, J

Bench : Single Bench

Advocate : S. Rajappa, for the Appellant; None, for the Respondent

Final Decision : Allowed

Judgement

Rekha Sharma, J.—s writ petition has been filed assailing the order of the Desk Officer, Ministry of Labour dated 11.3.2003 whereby in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section(2A) of Section 10 of the Industrial Disputes Act, 1947, the Central Government has made the following reference to the Central Government Industrial Tribunal cum Labour Court, New Delhi for adjudication:

Whether the action of the management of M/s. Kendriya Vidyalaya Sangathan, New Delhi in terminating the services of Sh. Jahangir Khan, Ex-Peon w.e.f. 13.6.2001 is legal and justified " If not, to what relief the workman is entitled to a from which date.

2. It is submitted by learned counsel for the petitioner that the power to adjudicate disputes concerning the services of the employees of the Kendriya Vidyalaya Sangathan vests with Central Administrative Tribunal and, Therefore, the reference made to the Central Government Industrial Tribunal cum Labour Court is bad. Reference in this regard has been made to a Notification issued by the Ministry of Personnel, Public Grievances and Pensions, Department of

Personnel and Training dated 17.12.1998. This Notification has been issued in exercise of the powers conferred by Sub-section (2) of Section 14 of the Administrative Tribunals Act, 1985 and thereby Kendriya Vidyalaya Sangathan has been included in the Schedule at item 34 of the Notification bringing it within the ambit of the jurisdiction of the Administrative Tribunals Act, 1985 in so far as the adjudication of disputes between its private employees vis-a-vis service matter are concerned.

3. I have considered the submission of the petitioner and have also gone through the Notification. I have no reason to disagree with the submission. As a matter of fact, on 3.7.2006, learned counsel appearing for respondent No. 1 had made a statement before the Registrar of this Court to the effect that the Supreme Court has held that the cases pertaining to Kendriya Vidyalaya Sangathan shall be tried and settled by the Central Administrative Tribunal, Delhi and he, Therefore, had no objection if the dispute in question was raised before the Central Administrative Tribunal. Learned counsel for the petitioner has also drawn my attention to the judgment of the Supreme Court in Kendriya Vidyalaya Sangathan v. Subhas Sharma reported in : (2002)IILLJ448SC , wherein the Supreme Court has held that the service disputes concerning the employee of the Kendriya Vidyalaya Sangathan would come under the jurisdiction of the Central Administrative Tribunal.

4. For what has been noticed above, the writ petition is allowed and the order dated 11.3.2003 is quashed. However, it will be open to respondent No. 1 to approach the Central Administrative Tribunal, if he so chooses.