

UNION OF INDIA AND ORS.
v.
DEEP CHAND PANDEY AND ANR.

AUGUST 27, 1992

[L.M. SHARMA, S. MOHAN AND N. VENKATACHALA, JJ.]

Civil Services:

Administrative Tribunals Act, 1985:

Sections 3(q) and 14—Jurisdiction of Central Administrative Tribunal—Casual typists in Railways—Services terminated—Claim for continuing in service—Whether could be entertained by the Tribunal.

The Respondents were working as Casual Typists on daily wages in the Railways. Their services were terminated and they filed Writ Petitions before the High Court challenging the same. The High Court allowed the Writ Petitions.

The Union of India preferred the present appeals contending that the High Court had no jurisdiction to entertain the Writ Petition of the Respondents in view of section 14(1) of the Administrative Tribunals Act, 1985 and that the respondents ought to have approached the Central Administrative Tribunal.

On behalf of the respondents, it was contended that they were not holding any civil post under the Union of India and were engaged only on casual basis, and that after the termination of their services, the relationship of master and servant ceased to exist, and so they were not covered by the Administrative Tribunal Act, and were right in approaching the High Court.

Allowing the appeals, this Court,

HELD : 1. The Scope of Article 323A of the Constitution of India permitting the Parliament to legislate on the subject covered therein is, having regard to the language, very wide, and by enacting Administrative Tribunals Act, 1985 this power has been exercised in almost full measure. An examination of section 14 and section 3(q) of the Act clearly indicates

- A that the Act covers a very wide field, and there is nothing to suggest that the provisions dealing with the jurisdiction of the Tribunal should receive a narrow interpretation. [52-B]

- B 2. In pursuance of Article 323A of Constitution of India, the Administrative Tribunals Act, 1985 was passed and the Central Administrative Tribunal, established under section 4(1) thereof was available to the respondents in the present case. By clause (2)(d) of Article 323A the Parliament was authorised to exclude the jurisdiction of all courts except the jurisdiction of this Court under Article 136 with respect to the disputes and complaints referred to in clause (1) and accordingly by section 14 of the Act, all the jurisdiction, powers and authority exercisable by all courts except the Supreme Court have been vested in the Central Administrative Tribunal. [51 B-C]

- D 3. The respondents claimed their right to continue in the employment of the Union of India as before, with additional claim of temporary status. Therefore, the remedy of the respondents was before the Central Administrative Tribunal and not before the High Court. [52 D-E]

CIVIL APPELLATE JURISDICTION : Civil Appeals Nos. 3488-89 of 1992.

- E From the Judgment and Order dated 31.1.92 of the Madhya Pradesh High Court in M.P. Nos. 1405 and 1425 of 1990.

D.N. Dwivedi, Additional Solicitor General, C. Ramesh and V.K. Verma for the Appellants.

- F Anil Suhrawardy for the Respondents.

The Judgment of the Court was delivered by

- G SHARMA, J. The question which falls for decision in these petitions is whether the Central Administrative Tribunal is vested with the jurisdiction to entertain and decide the claim of the respondents as against the petitioners Union of India and its officers in the Railway Department and consequently the High Court has no jurisdiction to deal with the matter. According to their case the respondents were engaged in the office of Deputy Chief Engineer (Construction) Central Railway, Gwalior as casual typists on daily wages and their services were wrongly terminated. The
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respondents challenged the order by writ petitions before the Madhya Pradesh High Court which have been allowed by the impugned judgment. Heard the learned counsel for the parties. Special leave is granted. A

2. In pursuance of Article 323A of Constitution of India, the Administrative Tribunals Act, 1985 was passed and the Central Administrative Tribunal, established under section 4(1) thereof was available to the respondents in the present case. By clause (2)(d) of Article 323A the Parliament was authorised to exclude the jurisdiction of all courts except the jurisdiction of this Court under Article 136 with respect to the dispute and complaints referred to in clause (1) and accordingly by section 14 of the Act, all the jurisdiction, powers and authority exercisable by all courts except the Supreme Court have been vested in the Central Administrative Tribunal. The question, therefore, is whether the Central Administrative Tribunal could entertain the claim of the respondents who were, before, termination of their employment, engaged as casual servants of the Union of India. B C D

3. The expression 'all courts' mentioned in section 14(1) is comprehensive enough to include the High Court. If the subject-matter of the claim of the respondents is held to be covered by section 14, it must follow that the High Court is not left with any jurisdiction to deal with the same. The contention of the learned counsel for the respondents, however, is that since the respondents were not holding any civil post under the Union of India and were engaged only on casual basis, the provisions of the Central Administrative Act were not attracted. Alternatively, it was suggested that after the termination of their service the relationship of master and servant ceased to exist, and they, therefore, are not covered by the Act. The respondents, in the circumstances, rightly knocked the doors of the High Court. We do not find any merit in this stand taken on behalf of the respondents. E F

4. The respondents, on the one hand are relying upon their service under the Union of India, of course casual in nature, for a claim that they were entitled to continue as the servants of the Central Government and on the other hand for the purpose of their argument that the High Court and not the Central Administrative Tribunal is vested with the jurisdiction to entertain their claim, they are disassociating themselves from the relationship of master and servant under the Union of India. It is a strange H

- A stand taken on their behalf, involving self-contradiction and is not permissible.

5. The scope of Article 323-A permitting the Parliament to legislate on the subject covered therein is, having regard to the language, very wide, and by enacting 1985 Act this power has been exercised in almost full measure. An examination of section 14 and section 3 (q) clearly indicates that the Act covers a very wide field, and there is nothing to suggest that the provisions dealing with the jurisdiction of the Tribunal should receive a narrow interpretation. This is also supported by the clarification offered by the then Minister for Law, who was piloting the Bill, while replying to the demand for the further enumeration of the conditions of service in sections 14 and 15. He stated that (as recorded in the proceedings for 9th to 11th November, 1976 of the Rajya Sabha Debate) he believed the 'conditions of service' to be of such a wide expression that an attempt of enumeration would be "really so dangerous from the point of view of the employees themselves that by exclusion you say that the others are not".

6. The present respondents are claiming the right to continue in the employment of the Union of India as before, with additional claim of temporary status and it is, therefore, idle to suggest that such a claim is not covered by the Act. The necessary conclusion, therefore, is, that the remedy of the respondents was before the Tribunal and not the High Court. We, accordingly hold that the High Court did not have the jurisdiction to entertain the claim of the respondents. Consequently the impugned judgment is set aside, the writ petition before the High Court is dismissed and these appeals are allowed, but without costs.

G.N.

Appeals allowed.