



W.P.No.24337 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **M.S. RAMESH**

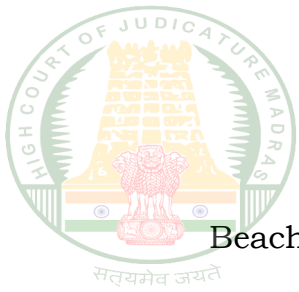
AND

THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

Writ Petition No.24337 of 2023 &
WMP.No.23783 of 2023

- 1.The Union of India,
Rep. by its Secretary,
Atomic Energy Commission,
Department of Atomic Energy,
Anushakthi Bhavan,
CSM Marg, Coloba,
Mumbai – 400 001.
 - 2.The Chairman cum Managing Director,
Nuclear Power Corporation of India Limited,
Nabhikya Urja Bhavan,
Anushakthi Bhavan,
Mumbai – 400 001.
 - 3.The Station Director,
Madras Atomic Power Station,
Kalpakkam – 603 102. ... Petitioners
- Vs.
- 1.M.Bhasha
 - 2.P.Kannaian
 - 3.The Central Administrative Tribunal,
Chennai Beach, rep. by its Registrar,
City Civil Court Campus,
High Court Building,
Chennai – 600 104. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari calling for the records of the third respondent viz., Central Administrative Tribunal, Chennai



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Beach in O.A.No.1440/2019 dated 06.02.2023 and quash the same.

For Petitioner : Mr.V.Vijay Shankar

Respondents 1 & 2: Mr.V.S.Jagadeesan

R3 - Tribunal

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

The writ petitioner seeks for the following reliefs:

*“to call for the records of the third respondent viz.,
Central Administrative Tribunal, Chennai Beach in
O.A.No.1440/2019 dated 06.02.2023 and quash the
same.”*

2. The petitioner is the Nuclear Power Corporation of India Limited (hereinafter referred to as “NPCIL”). It is aggrieved by an order passed by the Central Administrative Tribunal directing it to receive the amount paid as terminal benefits to the respondents 1 & 2 herein, and receive the applications from the respondents, and process the file for pension and extend the benefit of pension under the CCS (Pension) Rules, 1972.

3. Though Mr.V.Vijay Shankar and Mr.V.S.Jagadeesan pleaded on the merits of the case, in view of the decision that we are going to render on the jurisdiction of the Central Administrative Tribunal (hereinafter referred to as “Tribunal”), we do not think that it will be appropriate to give any opinion on the merits of the dispute.



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4. The applicants sought for quashing of the order passed by the writ petitioner and consequently, direct the writ petitioner to sanction pension. The applicants had invoked Section 19 of the Administrative Tribunals Act, 1985 for the purpose of the said relief.

5. On being served with the application, the writ petitioner had taken a plea in paragraph 3 of the reply that NPCIL is a wholly owned Government of India Enterprise, having its own set of service rules. It pleaded that NPCIL is not notified under the Administrative Tribunals Act and therefore, the Tribunal has no jurisdiction to decide the issue raised in the original application.

6. It is not in dispute that no notification had been issued by the Central Government under Section 14(2) of the Administrative Tribunals Act covering NPCIL. Only if such a notification is issued, can the Tribunal invoke jurisdiction over the institutions covered by the said notification. The condition precedent for filing an application under Section 19 is the existence of such a notification. If not for such a notification, the Tribunal will not have jurisdiction under Section 14(3). While it is admitted that NPCIL is a body corporate owned and controlled by the Government of India. In absence of the notification as stated above, the Tribunal has no jurisdiction to deal with the



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issue.

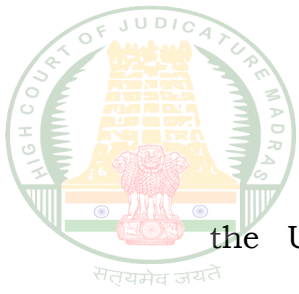
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7. The remedy of a person, aggrieved by an order passed by the entities for whom no notification has been issued, is to approach the High Court invoking its jurisdiction under Article 226 of the Constitution of India. Therefore, without going into the merits of the case, as there is no notification under Section 14(2), we are constrained to interfere with the order of the Tribunal and set aside the same.

8. Mr.V.S.Jagadeesan pleaded that the Tribunal had, on an earlier occasion, exercised jurisdiction over the writ petitioners and therefore, we should not interfere with the said order.

9. A careful perusal of the order passed by the Tribunal in OA/310/1411/2015 dated 17.07.2018 shows that the issue of jurisdiction was never gone into by the Tribunal on the earlier occasion. On pointing out to this aspect, Mr.V.S.Jagadeesan relied upon an order passed by the Central Administrative Tribunal, Jodhpur Bench, in OA.No.301/2003 dated 20.02.2006, to urge that the Tribunal had held NPCIL is susceptible to its jurisdiction.

10. On going through the order passed in OA.No.301 of 2003, we find no such findings rendered by the Tribunal. On the contrary, the Tribunal had held that since reliefs were sought for only against



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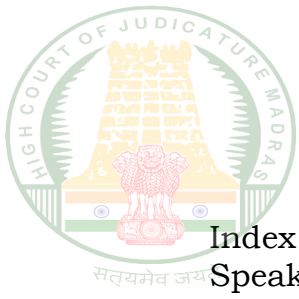
the Union of India and the Director of Canteens, Ministry of Personnel, Public Grievances and Pensions, New Delhi, it gave a direction as sought for that application. Nowhere in the said order, had the Tribunal held that an OA is maintainable against NPCIL.

11. Mr.V.S.Jagadeesan further urged that as the matter has been pending from 2019, we should venture into the merits of the case. The jurisdiction is a matter, which cannot be conferred by consent or assumed by the Tribunal. It should exist by virtue of the statute, and if it does not exist, the order is non est in the eyes of the law.

12. That being the position, the impugned order of the Tribunal is quashed. Liberty is granted to the applicants/respondents 1 and 2 to move this Court by way of a writ petition against the order impugned before the Central Administrative Tribunal, if they so desire. If they do so, the period from the date of filing of the application till today, shall not be put against the respondents 1 & 2. The writ petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

(M.S.R, J.) (V.L.N, J.)
04.08.2025

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Index : Yes/No

Speaking Order/Non Speaking Order

Neutral Citation : Yes/No

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To

1.The Central Administrative Tribunal,
Chennai Beach, Chennai



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M.S. RAMESH, J.
and
V.LAKSHMINARAYANAN, J.

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