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Central Administrative Tribunal, Principal Bench

O.A. Nos. 1746 of 1999

New Delhi, this the <sup>14<sup>th</sup></sup> day of November, 2000

Hon'ble Mr. Kuldip Singh, Member (J)  
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Ajay Kumar Tomer S/o Shri Alam Singh  
R/o House of Shri Rajvir Singh  
House No.44 Gali No.17  
Brahmpuri, Shahdra Delhi.

- Applicant

By Advocate: Shri S.K. Gupta.

Versus

1. Union of India through the Secretary,  
Ministry of Defence, South Block,  
Delhi.
  2. The Quarter Master General (QMG)  
Army Head Quarter, New Delhi.
  3. The General Officer Commanding,  
Head Quarter 22 Inf. Div.,  
C/o 56 APO.
  4. The Colonel Administration  
The Chairman  
Golden Ram OSD/GF Corner  
HQ 22, Inf Div.,  
C/o 56 APO.
  5. Capt. Vinod T  
Adjutant  
622 EME Div.  
C/o 56 APO.
- .. Respondents

By Advocate Shri R.S. Bedi.

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (J)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 whereby he is challenging the order at Annexure A-I whereby his services are alleged to have been terminated illegally and without any jurisdiction.

2. The facts in brief, as alleged are, that the applicant who is an Ex-Havaldar from the Armed Forces as a

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measure of resettlement had been provided employment in the Group 'C' post in the office of the respondents and he further states that thereafter he was posted at Meerut.

3. It is further stated that the applicant was initially appointed at a fixed salary of Rs. 1300/- per month which was later on increased to Rs. 1700/- per month and thereafter Rs. 2000/-. Thereafter in pursuance of some judgment given by the Hon'ble Bench of Central Administrative Tribunal at Jodhpur in Rajender Jagerwal & Others Vs. U.O.I. The applicant also raised an objection regarding taking duties from him by the Management on Sunday, Holidays and even on National Holidays but no extra payment was being made to him and when he raised this objection, the services of the applicant were terminated. Thus he claims that his services had been terminated with a mala fide objective and his termination is totally illegal and is against the principles of law and the termination order be set aside and he should be reinstated in service.

4. Despite various opportunities given, the respondents did not file their reply. However, we have heard the learned counsel for the applicant and Shri R.S. Bedi, the counsel appearing for the respondents.

5. The counsel for the respondents has raised an objection regarding the jurisdiction of this Tribunal and submitted that the applicant is not holding any Civil post under the Union of India or under the State Government as per his own showing at Annexure A-3, which is an appointment letter wherein it has been mentioned that the

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applicant had been appointed to a temporary post of stores incharge in RAM AWWA Shop and while referring to this, the counsel for the respondents submitted that the AWWA is an independent society run by retired Army Wives Welfare Association and Union of India or Ministry of Defence has nothing to do in the matter of employment of employees of the AWWA Shops. As such this court has no jurisdiction to entertain this OA and to go into the question whether the termination is illegal or mala fide.

6. In reply to this the learned counsel for the applicant submitted that the appointment letter is signed by Lt. Col. The termination order is also by one Shri Bhupinder Singh, Col. An appeal against this has also been decided by one another Col., so it is stated that the Ministry of Defence has complete control over them and as such this Court has jurisdiction to entertain this OA.

7. We have heard the learned counsel for the parties and have given our thoughtful consideration to the issue involved.

8. A perusal of appointment letter itself suggests that applicant had been appointed as Stores Incharge in AWWA Shop which is run by Army Wives Welfare Association. Counsel for the applicant has been unable to show that the employees of AWWA Shops are under the complete control of the Ministry of Defence. The letter increasing the salary of the applicant from Rs. 1500/- to Rs. 1700/- is signed by one retired Lt. Col., who is shown as Canteen Manager. Thus this also shows that the Management of the AWWA Shops is under the ex-employees of

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the Armed Forces and it has nothing to do with the Ministry of Defence and as such we are of the considered opinion that the applicant is not holding any Civil Post and the Tribunal has no jurisdiction to entertain this OA.

9. In view of the above, OA has no merits and is accordingly dismissed. No costs.

*S. A. T. Rizvi*

(S.A.T. Rizvi)  
Member (A)

*Kuldip Singh*  
(Kuldip Singh)  
Member (J)

/Rakesh/