

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 1859/1999

New Delhi: this the 27th day of February, 2001

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Mrs. Jamuna Devi,
W/o Shri Dhan Singh,
R/o Jhuggi No. S-149/4,
Behind Police Station,
Sector IV, R.K. Puram,
New Delhi-22,

Employed as

Aya/Helper in the Family Welfare Centre,
Nav Sena Bagh-1,
Chanakyapuri,
New Delhi-23

....Applicant.

(By Advocate: Shri B.B. Raval)

Versus

1. Union of India

through

the Secretary,
Ministry of Defence,
Govt. of India,
South Block,
New Delhi.

2. The Chief of the Naval Staff,
Naval Headquarters,
DHQ PO,
New Delhi-11

3. The Commanding Officer,
INS India,
Dalhousie Road,
DHQ PO

New Delhi-1

....Respondents.

(By Advocate: Mrs. Jyoti Singh)

ORDER

S.R. Adige, VC(A):

Applicant challenges her termination from service as Lady Attendant in Family Welfare Centre and Clinic Chanakyapuri, New Delhi by oral order. She seeks reinstatement with consequential benefits.

2. Heard both sides.

3. The aforementioned Family Welfare Centre and Clinic is run out of funds from the Integrated Child Welfare Fund (Annexure-R-5) which in turn gets its funds from

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ad hoc grants made from time to time from the IN Amenities Fund. Applicant as a Lady Attendant was paid an honorarium (Annexure.R-1 to R-4) and not a salary. Respondents' counsel has shown us documents which satisfy us that IN Amenities Fund is a non-public fund akin to Regimental Funds, and is not a public fund.

4. In UOI & Anr. Vs. Chotelal & Ors. JT 1998 (8) SC 497 the Hon'ble Supreme Court has categorically held

" In view of the character of the Regimental Funds, the said fund cannot be held to the public fund by any stretch of imagination and the Dhobis paid out of such fund cannot be held to be holders of civil post within the Ministry of Defence so as to confer jurisdiction of the Central Administrative Tribunal to issue direction relation to their service conditions."

5. In the result, this OA is dismissed for lack of jurisdiction, leaving it open to applicant to approach the competent forum for redressal of her grievances, if so advised. No costs.

A. Vedaavalli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

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