

Central Administrative Tribunal
Principal Bench

O.A.No.349/99
M.A.No.355/99

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 7th day of September, 1999

1. Shri Heera Lal
s/o Shri Gopi
2. Shri Love Kush
s/o Shri Leela Dhar
3. Shri Pappu
s/o Shri Rai Prashad
4. Shri Brijesh
s/o Shri Heera Lal

All the above four applicants are
resident of House
No.WZ-622 Khati Wali Gali
Naraina Village
New Delhi - 110 028.

5. Shri Dinesh
s/o Shri Kali Charan
r/o WZ-620A, Khati Wali Gali
Above Hill, Naraina Vill.
New Delhi - 110 028.

6. Jagdish Kumar
s/o Murari Lal
r/o H.No.94, ESI Colony
Basai Darapur
New Delhi.
(By Shri K.K.Agarwal, Advocate)

... Applicants
Vs.

1. Union of India through
Secretary
Ministry of Defence
Government of India
South Block
New Delhi.

2. The Commanding Officer
I.N.S.India
Dalhousie Road
New Delhi - 110 011.
(By Smt. Jyoti Singh, Advocate)

... Respondents

ORDER (Oral)

The applicants, six in number, were employed
with Respondent No.2 as Casual Labourers in the
capacity of Watchman and Sweepers. Their grievance is
that despite the long services in various periods,
from 1990 to 1997, the respondents have terminated

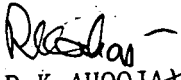
Or

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their services by an oral orders on 11.9.1998. They have come before the Tribunal seeking a direction to the respondents to reinstate them with continuity of service with back wages and also to give them duty to which they are entitled on the basis of their long service.

2. The respondents, in their reply, have stated that the applicants were engaged and paid out of the regimental fund, as such the present OA is not maintainable. I have heard the counsel and I have also seen the record produced by the respondents which shows that payments have been made to the applicants through the Maintenance Funds - INS India. The income of that fund is through monthly contributions from the residents of single or married accommodation. The fund is thus in the nature of a regimental fund. The Supreme Court has already held in Union of India Vs. Chotelal, JT 1998(8) SC 497 that persons who are paid out of the regimental funds do not hold any civil post and hence the Tribunal has no jurisdiction to go into their service conditions. As the applicants in the present case are also paid out of the regimental fund, the present OA is not maintainable as the Tribunal would have no jurisdiction to go into their service grievance in terms of Union of India Vs. Chotelal (Supra). The applicants should therefore seek relief in the appropriate forum. The OA is accordingly dismissed. No costs.


(R.K. AHOOJA)
MEMBER (A)

1/20/97