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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
O.A. NO. 1574/98 with OA 1576/98, and OA 1577/98
HON'BLE SHRI R.K. AHOJA, MEMBER(A)

New Delhi, this the 21st day of May, 1999

O.A. NO. 1574/98

Smt. Vishan Devi
W/o Shri Madan Lal
R/o House in Gali No.7
Swantatar Nagar
Narela, Delhi-40

... Applicant

(By Advocate: Shri M.L. Kasturi)

Versus

1. Govt. of NCT Delhi
through its Chief Secretary
Shamnath Marg, Delhi
2. Directorate of Education
through its Director
Old Secretariat, Delhi
3. The Principal
Sarvodaya Kanya Vidyalaya No.1
Narela, Delhi-110 040

... Respondents

(By Advocate: Shri Vijay Pandita)

O.A. No. 1576/98

Shri Ashok Kumar
S/o Sardar Singh
R/o 1000, Gali No.22
Swantatar Nagar
Narela, Delhi 110 040

....Applicant

(By Advocate: Shri M.L. Kasturi)

Versus

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through its Chief Secretary
Shamnath Marg, Delhi
2. Directorate of Education
through its Director
Old Secretariat, Delhi
3. The Principal
Sarvodaya Kanya Vidyalaya No.1
Narela, Delhi 110 040

....Respondents

(By Advocate: Shri Vijay Pandita)

O.A. No. 1577/98

Smt. Shanti Devi
W/o Shri Roshan Lal

Dr

R/o 51A, Punjabi Colony
Narela, Delhi 110 040
(By Advocate: Shri M.L. Kasturi)

....Applicant

Versus

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....Respondents

(By Advocate: Shri Vijay Pandita)

ORDER

The facts and circumstances of all the cases being the same, all the three OAs are being disposed of by this common Order:

2. The applicants had been working as part-time Waterman/Peon/Helper to be paid from PTA/Boys' Fund. Their grievance is that the respondents have terminated their services on the basis of instructions received from the Govt. of NCT Delhi that in terms of decision of the Tribunal in O.A. No.2648/94 the Heads of Schools will not appoint any Class IV employees out of People Fund/Scout Fund/PTA or any other fund. The applicants submit that they had been working for long periods when their services have been terminated without any notice. They also contended that any change in policy decision cannot have a retrospective effect.

3. The respondents in their reply have stated that the applicants being part-time workers paid out of Boys'/PTA Fund have no right to hold any post. They say that the Supreme Court has already decided that part-time casual workers are not entitled to the benefit of temporary status.

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4. Shri M.L. Kasturi, learned counsel for the applicant, while agreeing that the Tribunal cannot interfere in a policy decision of the respondents, submitted that the change in policy cannot be applied to those who were already in position and who have now been rendered jobless even though respondents may still need their services. He pointed out that the applicants have been working for long periods at low wages, that they have no alternative source of income and that in any case their claim is not for regularisation but only for reinstatement.

5. While agreeing with the learned counsel that the decision of the respondents appears to be harsh keeping in view the long service rendered by the applicants and also because it is difficult these days to get any kind of employment, nevertheless, I find that there is very little scope for interference by the Tribunal. The Hon'ble Supreme Court has held in Union of India and Others Vs. Chhote Lal and Others JT 1998 (8) SC 497 that this Tribunal has no jurisdiction in respect of employees being paid from the regimental fund maintained in the Armed Forces. The Boys' Fund, the PTA Fund and similar other fund maintained from the contributions from the students also do not fall in the definition of "Public Fund" in terms of the law laid down by the Hon'ble Supreme Court in Union of India and Or. Vs. Chhote Lal and Ors. (supra). This Tribunal has thus no jurisdiction to go into the service conditions of the applicants who are paid out of PTA/Boys' Fund. In short, these OAs are not maintainable before the Tribunal in terms of the law laid down by the Apex Court.

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6. Even otherwise, no direction can be given to the respondents to appoint or retain anyone in employment contrary to their policy decision. There is no allegation here that the services of the applicants have been dispensed with by retaining their juniors or by replacing them with freshers and outsiders. It is up to the respondents to engage such casual labour as they need either on full time or part time basis and if there is no need for such casual labour, it is not open to the Tribunal to compel them to do so. Hence no direction of the nature sought for by the applicants herein could be considered.

7. In the result the OAs are dismissed ^{de} as non-maintainable.

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(R. K. AHOOJA)
MEMBER (A)

Attended

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