19

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

New Delhi, dated this the 21st March, 1997

HON'BLE MR. S.R. ADIGE, MEMBER (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

O.A. No.2 of 1995

1. Shri Lal Singh,
D/W Helpers in the
Command Press (HQ),
Western Air Command,
Delhi Cantt.
New Delhi-110010.

2. Shri Dharamveer Singh,
D/W Helper in the
Command Press (HQ),
WAC, IAF, Delhi Cantt.
New Delhi-110010. .. APPLICANTS

(None appeared)

VERSUS

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

2. The Air Marshal,
A.O. C-in-Charge,
Command Press, IAF (HQ),
WAC, Subroto Park,
Delhi Cantt.
New Delhi-110010. .. RESPONDENTS

(By Advocate: Shri R.K.Sharma)

O.A. No. 358 of 1995

1. Shri Hira Singh,
Machine Operator,
Command Press (HQ), WAC, IAF,
Subroto Park,
Delhi Cantt.
New Delhi-110010.

2. Shri Kailash Chand,
Compositor, Command Press (HQ),
WAC, IAF, Subroto Park,
Delhi Cantt.
New Delhi-110010.

3. Shri Amir Singh,
Machine Operator,
Command Press (HQ),
WAC, IAF, Subroto Park,
Delhi Cantt.
New Delhi-110010. .. APPLICANTS

(None appeared)

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

2. Air Marshal,
   A.O. C-in-Charge (HQ),
   WAC, I.A.F., Command Press,
   Subroto Park,
   Delhi Cantt.
   New Delhi-110010. ... RESPONDENTS

(By Advocate: Shri R.K.Sharma)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

As both these O.As involve common question of law and fact they are being disposed of by this common order.

2. Applicants seek a direction to the respondents to reinstate them in Govt. service and then post them on regular establishment.

3. Admittedly applicants were working in the Command Press (HQ), Western Area Command, Indian Air Force, Subroto Park, Delhi Cantt., New Delhi. It is their contention that they are Govt. servants and had rendered 240 days continuous service in each service for more than two years and have been illegally and arbitrarily disengaged.

4. None appeared for the applicants even on the second call. Shri R.K.Sharma appeared for the respondents and was heard.

4. No orders either appointing applicants or terminating them from service have been filed. Furthermore, Respondents contend that applicants employed in Command Press are paid out of non-public funds and hence do not come within the category of Govt. servants as the Command Press is not an instrumentality of the State in terms of Article 12 of the Constitution.

5. A perusal of the general instructions on non-public funds appended with applicants' M.A. No.2054/96, indicates that the Air Force run various welfare/service organisations at Air Force Stations and units unconnected with the public funds, and the Command Press is one such organisation, which is run out of non-public funds, and under the circumstances we have no reason to disagree with the Respondents' counsel that the applicants are not Govt. servants. This view is further supported by certificate dated 3.5.95 issued by the Command Accountant Officer HQ, WAC, IAF, certifying that the Command Press was set up by taking a loan from the Command Welfare Fund which being operated to cater to the personal requirements of Service Personnel and their families and the Command Printing Press is not a Public Fund/Govt. Fund Venture. Under the circumstances we hold that Tribunal has no jurisdiction in the matter, and both O.As are therefore dismissed.

7. Let copies of this order be placed in both case records.