

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.55/2000

New Delhi this the 16th day of August, 2000.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman
Hon'ble Mrs. Shanta Shastri, Member (Admnv)

1. Rajender Prasad Singh,
S/o Late Shri D.P. Singh
R/o Flat No.46, Sanjay Enclave,
Opp. G.T.K. Depot,
Delhi-33.
2. Pramod Kumar Gupta,
S/o Sh. J.C. Gupta
3. Shoorbir Singh,
S/o Shri B.S. Pundir
4. Shivaji Mandal,
S/o Late Shri Bhaglu Mandal
5. Miss Geeta Vasu,
D/o Sh. P.A. Vasu
6. Ram Mohan,
S/o Sh. Vishwanath Kamath
7. Dayanand Prasad Gupta,
S/o SH. Dwarka Prasad Gupta
8. Meharwan Singh Rawat,
S/o Late Shri G.S. Rawat
9. Mr. Parmeshwar Jani,
S/o Sh. Markunda Jani

...Applicants

(By Senior Counsel Shri P.P. Khurana with Ms. Mamta Saha,
Counsel)

-Versus-

1. Union of India through
Secretary, Ministry of Home Affairs,
North Block,
New Delhi.
2. Inspector General of Prison,
Central Jail, Tihar,
New Delhi-110064.
3. Lt. Governor of Delhi,
Raj Niwas,
5, Shamnath Marg,
Delhi-54.

...Respondents

(By Advocate Shri Mohit Madan, proxy for Mrs. Avnish
Ahlawat, Counsel)

OM

ORDER (ORAL)

By Justice V. Rajagopala Reddy:

Heard the learned counsel for the applicants and the respondents. With the consent of the parties, the OA is disposed of, on merits, finally.

2. The applicants were working in the 'Ashiana' which was a Drug De-Addiction Centre set up in the Central Jail, as a non-Governmental organisation run by the Indian Council of Education, New Delhi. It was stated that the said Centre has been taken over by the Jail Administration, Central Jail, Tihar, respondent No.2 in 1997 and the same was re-named as Drug De-Addiction Centre, Central Jail No.4, Tihar, New Delhi. It was placed under the direct control and supervision of a Senior Medical Officer who in turn was the Resident Medical Officer of Central Jail, Tihar.

3. The grievance of the applicants in this case is that they were not paid ^{their salary} properly by the second respondent. The O.A. is, therefore, filed to direct the respondents to prepare a scheme, according the status of the Government servants to the applicants and fix proper pay scales to them.

4. The respondents filed a counter-affidavit stating that the applicants are not Government servants and hence the OA is not maintainable. They are neither appointed by the Union of India nor the Lieutenant Governor of Delhi. They are only volunteers in the organisation working as a non-Government Organisation in 'Ashiana'. It was stated that they are being paid conveyance charges as they had volunteered to do work in Jail. Hence, it is also

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contended by the learned counsel for the respondents that they are not entitled for according status of Government servant and for granting any relief as prayed for in the OA.

5. We have considered the arguments of the learned counsel. Admittedly, the applicants are members of a voluntary organisation. The learned counsel for the applicants also admits that they were not appointed as Government servants either by the Union Government or by the NCT of Delhi. Even assuming that the applicants' case is correct that it has been supervised by the Tihar Jail, in the absence of any orders of merger of the services of the applicants into Government service or any appointment orders, ^{by the Government} the applicants cannot be said to be Government servants, nor can they seek any direction for according the status of the Government servants. No material is placed before us for the claim that they should be treated as Government servants. In the circumstances, the OA fails and is accordingly dismissed. No costs.

Shanta F
(Smt. Shanta Shastry)
Member (Admnv)

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Om Rajagopal Reddy
(V. Rajagopal Reddy)
Vice-Chairman (J)