IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.Nos.(1) OA 2279/1989
(2) OA 1207/1990
(3) OA 2224/1990
(4) OA 2169/1991

Date of decision: 31.07.1992

(1) OA 2279/1989

Shri Jai Bir Singh ...Applicant

(2) OA 1207/1990

Shri Birendera Kishore Pathak ...Applicant

(3) OA 2224/1990

Shri Jagram Singh ...Applicant

(4) OA 2169/1991

Shri Subhash Chander ...Applicant

Versus

The Delhi Administration & Another ...Respondents

For the Applicants ...Shri J.P. Verghese Counsel

For the Respondents ...Mrs. Avnish Ahlawat, Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)
THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? yes
2. To be referred to the Reporters or not? No

JUDGMENT

(of the Bench delivered by Hon'ble Shri P.K. Kartha, Vice Chairman(J))

The questions whether the applications filed by the employees of the erstwhile Sanatan Dharm Ayurvedic College, Malka Ganj Chowk, Delhi, are maintainable in this Tribunal and whether they are entitled to the reliefs sought by them, are in issue before us. It is proposed to deal with them in a

common order.

2. It may be mentioned at the outset that the aforesaid issues had been considered in the judgment of this Tribunal dated 25.10.1991 in OA 1340/1988 and connected matter (Smt. Nirmal Rai & Others Vs. the Chief Secretary, Delhi Administration & Another) to which both of us were parties. SLP (Civil) Nos. 3524-25/1992 filed by the Delhi Administration against the aforesaid judgment of this Tribunal was dismissed by the Supreme Court after hearing both parties by order dated 21.07.1992.

3. Applicant in OA 2279/1989 has worked as a Peon since 3.8.1983, applicant in OA 1207/1990 has worked as a Demonstrator since 11.8.1983, applicant in OA 2224/1990 has worked as a Clerk since 8.4.1982 and applicant in OA 2169/1991 has worked as Gardner/Chowkidar since 1.12.1983. All of them are aggrieved by a common order passed by the respondents on 29.04.1989 whereby it was stated that their services would no more be required in the Sanatan Dharm Ayurvedic College with effect from 30.04.1989. In OA 2169/1991, the Tribunal has passed an interim order directing the respondents not to terminate the services of the applicant.

4. In the judgment of this Tribunal dated 25.10.1991 in Smt. Nirmal Rai's case, the Tribunal has concluded on the basis of the material placed before it that the Delhi

Administration took over the Management of the College in question in public interest. Therefore, the Tribunal held that in the facts and circumstances, it would not be fair and just to terminate the services of the staff on the plea that the College has been closed down after April, 1991 examinations without making a proper scheme for redeploying such staff. As the respondents had taken over Management of the College in public interest, the erstwhile staff of the Management of the College becomes the staff of the Delhi Administration who are bound to provide alternative placement for them in accordance with the scheme to be forumulated to protect the service conditions of such staff. Accordingly, the Tribunal overruled the preliminary objections raised by the respondents as to the maintainability of the applications. The respondents were directed to treat the applicants as the employees of the Delhi Administration who had been rendered surplus consequent upon the closure of the Sanatan Dharm Ayurvedic College with effect from April, 1991. A direction was issued to the respondents that the applicants shall be given alternative placement in posts in the Delhi Administration commensurate to their qualifications and experience in accordance with the appropriate scheme prepared by them. They would also be entitled to pay and allowances for the period of take-over of the Management of the said College till they are given alternative jobs and all consequential benefits.

5. Since the facts of the present applications as well as the issues involved therein are identical, we follow the ratio in the judgment of the Tribunal dated 25.10.1991 in Smt. Nirmal Rai's case, mentioned above. The applications are disposed of with the directions to the respondents to treat the applicants as the employees of the Delhi Administration who have been rendered surplus consequent upon the closure of the Sanatan Dharm Ayurvedic College with effect from April, 1991. The applicants shall be given alternative placement in the posts in the Delhi Administration, commensurate with their qualifications and experience, in accordance with an appropriate scheme to be prepared by them, as directed in Smt. Nirmal Rai's case. The applicants would also be entitled to pay and allowances for the period from the take-over of the Management of the said College till they are given alternative jobs and all consequential benefits.

6. The respondents shall comply with the above directions as expeditously as possible and preferably within a period of three months from the date of receipt of this order. The interim order passed in OA 2169/91 is hereby made absolute.

There will be no order as to costs.

Let a copy of this order be placed in all the 4 case files.

True copy Attested
31/7/92

(PURAN CHAND)
Court Officer
Central Administrative Tribunal
Principal Bench
Copernicus Marg, New Delhi

(B.N. DHOUNDIYAL) 31/7/92
MEMBER (A)
31.07.1992

(P.K. KARTHA)
VICE CHAIRMAN(J)
31.07.1992

RKS
31.07.1992