

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 9TH DAY OF AUGUST, 2001

Original Application No. 792 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Raj Kanwar, a/a/ 47 years, Son of  
Shri Lal Chand, r/o 64/4, N-1  
Area, Chakeri, Kanpur, presently  
employed as Civilian Gliding  
Instructor, P.A No.28257, 3(UP) Air Sqn  
N.C.C.Kanpur

... Applicant

(By Adv: Shri M.K.Upadhyaya)

Versus

1. Union of India through the  
Secretary, Ministry of Defence,  
Govt. of India, New Delhi.
2. Director General, National  
Cadet Corps, Ministry of  
Defence, Govt. of India  
West Block No.4, R.K.Puram  
New Delhi.
3. Deputy Director General  
NCC Directorate, U.P. Ashok Marg  
Lucknow.

... Respondents

(By Adv: Shri D.S.Shukla)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 the applicant has  
prayed for a direction to the respondents to grant the  
benefits of Flying Pay, Free Air Crew Ration and Flying  
clothing to the applicant at par with the similar benefits  
being granted to the Gliding Instructors of the Indian Air  
Force at the different NCC Air Sqns as well as the Pilots  
of the different other Ministries. Such claims were  
rejected by respondents by order dated 14.8.1987 on the  
ground that as the Gliding Instructors are civilian  
employees they are not entitled for the Flying <sup>pay</sup> ~~ration~~ and

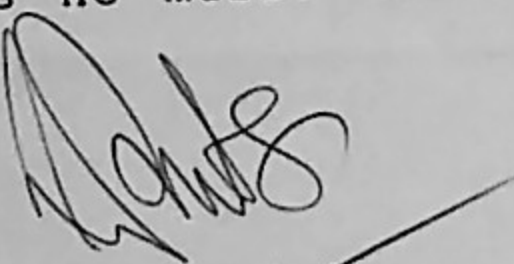


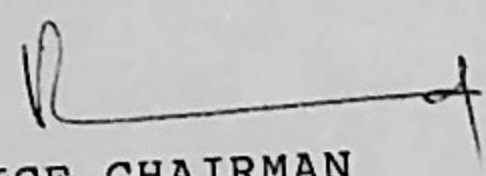
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Flying clothing etc which are admissible to only combat<sup>u</sup>  
Officers and Soldiers.

Shri D.S.Shukla learned counsel appearing for the respondents has invited our<sup>u</sup> attention to the judgement dated 24.11.1993 in OA 515/85 G.S.Parwar Vs. Union of India and Ors of Jaipur Bench. After examining the whole controversy in detail the Bench held Gliding Instructor of NCC, entitled for the grade of Rs.700-1300, as the posts are equivalent to similar posts in civil Aviation department. From the order of appointment issued in favour of the applicant also it is clear that the Gliding Instructors shall be treated as temporary civilian government servants paid from the Defence estimates. Thus as the appointment order in favour of the applicant itself provided that he will be treated as civilian government servants, he cannot claim parity with Gliding Instructors serving in Defence Forces. The claim of the applicant for the benefits, which are given to Air Force Gliding Instructors, cannot be granted.

The OA has no merit and is rejected. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 09.8.2001

Uv/