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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 315/96
T.A. No.

198

DATE OF DECISION 24.2.1997

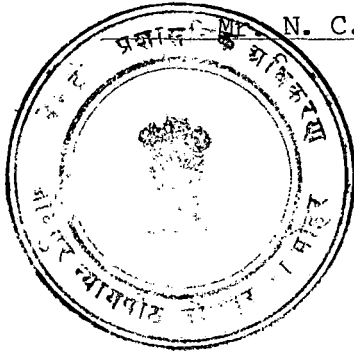
Subhash Petitioner

Mr. Mukesh Vyas Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

N. C. Pandey Advocate for the Respondent(s)




CORAM :

The Hon'ble Mr. Gopal Krishna, Vice Chairman

The Hon'ble Mr. O.P. Sharma, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes.
2. To be referred to the Reporter or not ? Yes.
3. Whether their Lordships wish to see the fair copy of the Judgement ? No.
4. Whether it needs to be circulated to other Benches of the Tribunal ? No.


(O.P. Sharma)
Administrative Member


(Gopal Krishna)
Vice Chairman.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 24.2.97

OA 315/96

Subhash, Driver at 255 SU, Air Force, Bikaner.

... Applicant

Versus

1. Union of India through the Secretary, Ministry of Defence, Government of India, New Delhi.
2. Station Commander, 263 SU, Air Force, Bikaner.
3. Squadron Leader/Senior Administrative Officer/Station Commander, Air Force Station, Well Road, Bikaner.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR.O.P. SHARMA, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Mukesh Vyas

For Respondents No.2 and 3

... Mr.N.C.Pandey

For Respondent No.1

... None

ORDERPER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Subhash, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 (for short, the Act), challenging the order, at Ann.A-1, dated 18.9.96, by which his services as Welfare Bus Driver were terminated by the respondents.

2. The case of the applicant is that he was appointed as a Driver w.e.f. 6.5.88 and he has completed 8 years of service. His contention is that on completion of 5 years of service he was to be treated as a permanent employee in terms of Rule-2 of the Rules Regulating the Terms and Conditions of Service of Civilian Employees of Non-Public Funds (Other than AF Canteen). It is urged on behalf of the applicant that since he has completed 8 years of service, he is deemed to be a permanent employee as per the provisions of the rule referred to above and his services could not be dispensed with in the manner it has been done, without any show-cause notice.

3. On the other hand, the respondents have stated that the applicant has been working as a Driver of an Air Force Welfare Bus, expenses of which were paid out of Non-Public Funds. It has been stated by the respondents that Non-Public Funds are creations of General Instructions of Non-Public Funds Organisation published in IAP 3503 - Manual of Management and Accounting Non-Public Funds, the relevant portion of which is as under :-

Ck/w

"1. Air Force Non-Public Funds comprises of all funds other than public funds, - maintained by Air Force stations and units. These funds are established to organise, administer and account for various welfare/service activities at Air Force stations and Units, unconnected with public funds.

2. The Non-Public Funds at station/Unit are :-


- (e) A.F. schools;
- (h) Welfare Bus."

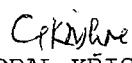
It is also stated that the competent authority on Non-Public Funds has not published any notification in the official gazette, as required by Section 14(2) of the Act. It is, therefore, contended by the respondents that this Tribunal has no jurisdiction to entertain and adjudicate upon the service matter of a civilian employee paid from Non-Public Funds.

4. We have heard the learned counsel for the parties and have gone through the records of the case.

5. The applicant was a Driver engaged for driving a welfare bus. He was paid his salary from Non-Public Funds. These funds are established to organise, administer and account for various welfare/service activities at the Air Force Stations and Units unconnected with public funds. In the present circumstances, it cannot be said that the applicant was a civilian employee appointed to any Defence Services or a post connected with the Defence and any service matter concerning such an employee does not pertain to any service in connection with the affairs of the Union. We are, therefore, of the view that this Tribunal has no jurisdiction to entertain the present application.

6. This application is, therefore, rejected at the stage of admission. N order as to costs.


(O.P. SHARMA)
ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK