

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 24.2.9

OA 316/96

Probir Kumar Jana, Conductor 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.

... Respondent

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

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Probir Kumar Jana, 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 Bus Conductor were terminated by the respondents.

2. The case of the applicant is that he was appointed as a Bus Conductor w.e.f. 1.4.89 and he has completed 7 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 7 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 Bus Conductor 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 : -

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"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.

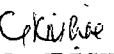
4. We have heard the learned counsel for the parties and have gone through the records of the case.

5. The applicant was a Bus Conductor, engaged for 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. In order as to costs.


(O.P.SHARMA)

ADMINISTRATIVE MEMBER


(GOPAL KRISHNA)
VICE CHAIRMAN

VK