

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 11 AUG 1988

APPLICATION NOS. 969 to 980 & 1054 to 1059/88(F)

Applicants

Shri S.V. Patil & 17 Ors

V/s

The Secretary, M/o Defence & 3 Ors

To

1. Shri S.V. Patil  
303/38, Patil Mala  
Belgaum
2. Shri Vasudeo Sawant  
R/o Gawali Wada  
Nanawadi  
Belgaum
3. Shri Shivappa Hudder
4. Shri Bhagwan Raul  
(Sl Nos 3 & 4 -  
Cooks in 'A' & 'B' Mess  
R/o Infantry School  
Belgaum)
5. Shri Yessayya Kandayya  
R/o Devaka Building  
Ramaswamy Avenue  
Nanawadi  
Belgaum
6. Shri Basil Charles  
R/o 5/8, Meshwant Bhavan  
Nanawadi  
Belgaum
7. Shri Shrikant Kharade  
C/o Shri R.M. Shinde  
H.No. 3, 'B' Madras Street  
Camp - Belgaum

Respondents

8. Shri Parashram B. Belgaonkar  
445, Nazar Camp No. 3  
M. Vadagoan  
Belgaum
9. Shri A.Y. Shinde  
C/o Shri Subadagedu Kadam  
Ajagoenker Chawal  
Nanawadi  
Belgaum
10. Shri B.L. Kalange  
BC No. 62/10, Hussainiwala Road  
Camp - Belgaum
11. Shri M. Jairajan  
B.C. No. 92/A, Church Road  
Camp - Belgaum
12. Shri Gundu @ Gundappa Mallappa Sadian  
Cook in 'A' & 'B' Mess  
R/o Infantry School  
Belgaum
13. Shri Gopal Mayappa Patil  
353, Mahadever Road  
Croos No. 2  
Belgaum
14. Miss Saista D. Bageshahi  
A/3, Class IV Government Quarters  
Vishweswarayya Nagar  
Belgaum

15. Shri Rajaram Mallu Mangirgekar  
44, Bhandur Galli  
Belgaum

16. Shri Appu Laxman Patil

17. Shri Nagesh Babu Torgel

(Sl Nos. 16 & 17 -

Bar Waiters in 'A' & 'B' Mess  
R/o Infantry School  
Belgaum)

18. Shri Shivangeuda R. Patil  
Cook in 'A' & 'B' Mess  
R/o Infantry School  
Belgaum

19. Shri S.R. Shinde  
Advocate  
No. 73, Laxmi Nivas  
7th Cross, Malleswaram  
Bangalore - 560 003

20. The Secretary  
Ministry of Defence  
South Block  
New Delhi - 110 011

21. The Secretary  
Army Headquarters  
MI - 7 Branch  
New Delhi

22. The Commandant  
Infantry School  
Mhow  
Madhya Pradesh

23. The Commander  
Junior Leader's Wing  
Infantry School  
Belgaum

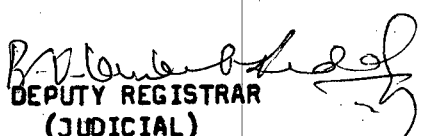
24. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

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Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of the ORDER passed by this Tribunal  
in the above applications on 2-8-88.

Encl : As stated

  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 2nd DAY OF AUGUST, 1988

Present : Hon'ble Sri Justice K.S.Puttaswamy

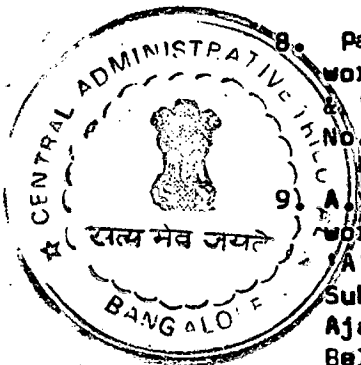
Vice Chairman

Hon'ble Sri P.Srinivasan

Member (A)

A.Nos. 969 to 980 and 1054 to 1059/1988.

1. S.V.Patil  
Mess Clerk Grade I 'A' Mess in  
The Infantry School, Belgaum,  
R/o No. 303/38, Patil Mala,  
Belgaum.
2. Vasudeo Sawant,  
working as Waiter No.1 in  
'A' & 'B' Mess, R/o Gawali  
Wada, Nanawadi, Belgaum.
3. Shivappa Huddar,  
working as Cook in 'A'  
& 'B' Mess, R/o Infantry  
School, Belgaum.
4. Bhagwan Raul,  
working as Cook in 'A'  
& 'B' Mess, R/o Infantry  
School, Belgaum.
5. Yessayya Kandayya,  
working as Gardener (Mali)  
R/o Davaka Bldg, Ramswamy  
Avenue, Nanawadi,  
Belgaum.
6. Basil Charles,  
working as Barman in 'A'  
& 'B' Mess, R/o 5/8, Yeshwant  
Bhavan, Nanawadi, Belgaum.
7. Shrikant Kharada,  
working as Cook in 'A'  
& 'B' Mess, R/o C/o R.M.Shinde,  
H.No.3 'B', Madras Street,  
Camp - Belgaum.
8. Parashram B.Belgaonkar,  
working as Mess Clerk 'A'  
& 'B' Mess, R/o 445, Nazar Camp  
No.3, M.Vadagoan, Belgaum.
9. A.Y.Shinde,  
working as Waiter No.1 in  
'A' & 'B' Mess, R/o C/o  
Subadagadu Kadam,  
Ajagoankar Chawal, Nanawadi,  
Belgaum.
10. B.L.Kalange,  
working as Mess Clerk in 'A'  
& 'B' Mess, Hussainiwala Road,  
R/o BC Bo.62/10, Camp -  
Belgaum.



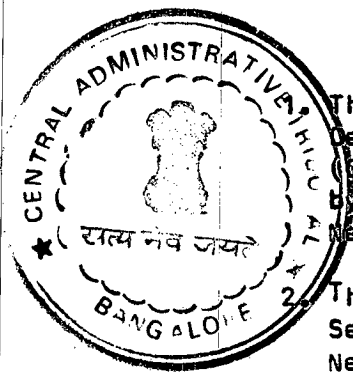
11. M.Jairajan,  
w/a Barman in A & B Mess,  
R/o BC No.92/A, Church Rd.,  
Camp - Belgaum.
12. Gundu @ Gundappa Mallappa Sadian,  
w/a Cook in A & B Mess,  
R/o Infantry school,  
Belgaum.
13. Gopal Mayappa Patil,  
w/a Waiter in A & B Mess,  
r/o 353, Mahadevar Road,  
cross No.2, Belgaum.
14. Appu Laxman Patil, w/a Bar Waiter,
15. Shivangouda R.Patil, w/a Cook,
16. Nagesh Babu Torgal, w/a Waiter,
17. Miss Saista D.Bagshahi, w/a Mess Clerk,
18. Rajaram Mallu Hangirgekar, w/a Mess Clerk,

(Applicants 14 to 18 working in A & B Mess  
R/o Infantry School, Belgaum ). ....

Applicants

( Shri S.R.Shinde ... Advocate )

Vs.



1. The Central Government of India,  
Defence Department,  
(Defence Ministry) represented  
by its Secretary & Commissioner,  
New Delhi.

2. The Army Headquarters by its  
Secretary, MI & Branch,  
New Delhi.

3. The Infantry School,  
represented by its Commandant,  
at Mhow (MP).

4. The Infantry School,  
Junior Leader's Wing,  
represented by its Commandar,  
Belgaum. ....

Respondents

( Shri M.Vasudeva Rao ... Advocate )

These applications having come up for hearing today,

Hon'ble Vice Chairman made the following :

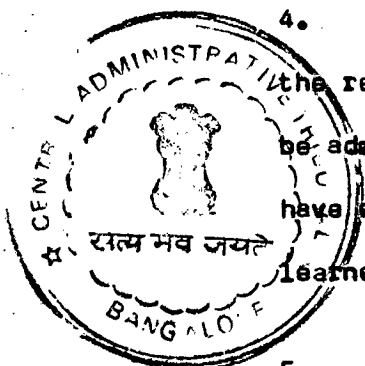
These are applications made by the applicants under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. In the military cantonment of Belgaum, there were two messes, designated as 'A' and 'B' Messes, serving the officer students of the Indian Army, who undergo different types of military training. The applicants and a few others who have not approached us, have been working in one or the other capacity in those messes for different periods. But in order to decide the question of jurisdiction of this Tribunal, that looms large, it is not necessary to ascertain these details. For some time past, the messes have been closed down and the services of all the applicants have been dispensed with or terminated. Hence, in these separate but identical applications, the applicants have sought for appropriate directions.

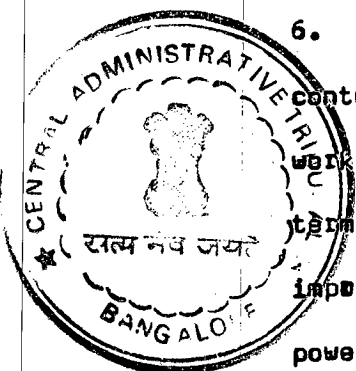
3. The applicants have asserted that they were and are regular civilian employees of the Union of India borne on the establishment of the Junior Leaders' Wing, Belgaum, and therefore, they were entitled to the reliefs sought by them.

4. On these applications, we ordered notices to the respondents to show cause as to why they should not be admitted. In response to the same, the respondents have entered appearance through Shri M.Vasudeva Rao, learned Addl. CGSC, and have filed their reply.

5. In their reply, the respondents have asserted that the two messes, in which the applicants were employed, were



not maintained and financed by Government of India, but were exclusively maintained and run by the student officers themselves, as their own private organisation, and therefore, the applicants were not civil servants of the Union of India. On this stand, the respondents have urged that the Tribunal has no jurisdiction to entertain these applications. On merits, the respondents have asserted that the two messes had been closed down as the training establishment at Belgaum had been shifted to Mhow, situated in the State of Madhya Pradesh.



6. Shri S.R.Shinde, learned counsel for the applicants, contends that the applicants had been appointed and were working as civil servants of the Union of India, and the termination of their services overnight being illegal, improper and unjust, this Tribunal had jurisdiction and power to adjudicate their service disputes under the Act.

7. Shri Rao refuting the contentions of Shri Shinde, contends that the applicants were not civil servants of the Union of India, and therefore, this Tribunal had no jurisdiction to adjudicate the service dispute of the applicants, the termination of whose services were justified and legal.

8. In their reply, the respondents have explained in detail the nature and the organisation of the two messes, where the applicants were employed. From what has been stated by the respondents, the correctness of which cannot be doubted, it is clear that the two messes were only maintained by the student officers themselves and were not

establishments maintained by the Government of India. On this it follows that the applicants were not civil servants of the Union of India. Every one of the documents relied on by Shri Shinde do not really help us to hold otherwise. If that be so, then these applications made before us are not maintainable.

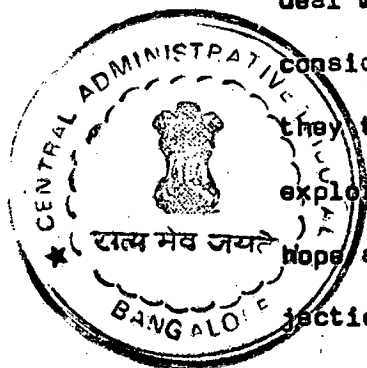
9. Even otherwise, we find that these messes themselves had been closed down on the shifting of training establishment to a different place, viz. to Mhow. This then, being the factual position, we cannot help the applicants even if we had jurisdiction to adjudicate their grievances.

10. Shri Shinde urges that some of the applicants had put in more than 15 years of service, and all of them, were now unemployed, and this Tribunal should issue appropriate directions for their alternate employment.

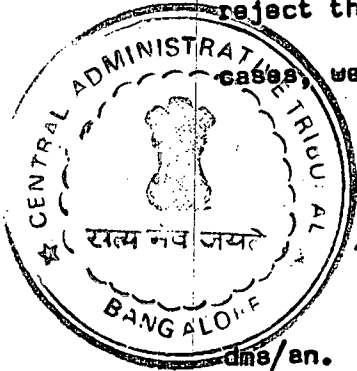
11. Shri Rao without admitting the details of services of the applicants, opposes this direction sought by Shri Shinde.

12. On the view we have earlier expressed, we cannot deal with this aspect at all. We, therefore, decline to deal with the same. But notwithstanding, the same, we consider it proper to recommend to the respondents that they to do their best to rehabilitate the applicants by exploring all such avenues as are open to them. We do hope and trust that they will do so notwithstanding the rejection of the applications.

13. In the light of our above discussion, we hold that



these applications are liable to be rejected. We, therefore,  
reject these applications. But in the circumstances of the  
cases, we direct the parties to bear their own costs.



Sd/-  
VICE CHAIRMAN 21/8/1988

Sd/-  
MEMBER (A) 21/8/88

TRUE COPY

DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE