

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated 22 DEC 1993

APPLICATION NO(s) 561/93 & 988 to 993/93

APPLICANTS: S. Shankar and Six others
RESPONDENTS: Officer Commanding,
HQ's. Trg. Command, IAF, Blore & others.


TO.

- ①. Sri. R. N. Deshapande, Advocate, G-5, 'Brigade Links',
No. 54, 1st Main Road, Seshadripuram, Bangalore-560020.
- 2) The Air Officer Commanding in Chief, Head Quarters Training
Command, Hebbal, Bangalore-560024.
- 3) Sri. G. Shanthappa, Addl. C.G.S.C, Bangalore-1.

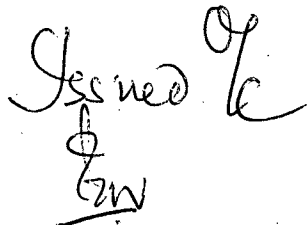
SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 30.11.93.


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*


Gm

CETRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A.No.561/93 & 988 to 993/93

TUESDAY THIS THE THIRTIETH DAY OF NOVEMBER 1993

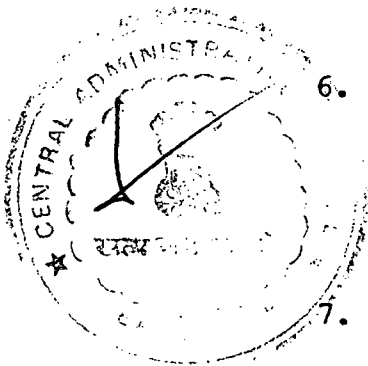
Shri Justice P.K. Shyamasundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member [A]

1. S. Shankar
S/o Selvaraj,
Aged 27 years,
C/o R.C.A. Cycle mart,
Siddhartha Nagar,
Jalahalli West,
Bangalore-15.
2. M. Krishnaswamy,
S/o Muniyappa, P.
Aged 29 years,
No.27, 5th Main, 6th Cross,
Ambedkar Nagar,
Sriramapura,
Bangalore.21.
3. C. Sampath,
S/o Chinnaiah,
Aged 28 years,
No.2/B, 1st Cross,
Binnypet, Bangalore.23.
4. B.M. Suresh,
S/o KH. Munninagappa,
Aged 26 years,
115/100, 12th B Main Road,
6th Block, Rajajinagar,
Bangalore.10.
5. P. Bhaskaran,
S/o Perumal,
Aged 29 years,
564, Periyarnagar,
Alagiri Street,
Frazer Town,
Bangalore.5
6. Amara Narayanaswamy,
S/o Muniyappa,
Aged 28 years,
Immadihalli,
Whitefield Post,
Bangalore.66.
7. P.C.Ravikuarm,
S/o Chandran,
Aged 28 years,
K.T.M.Sangam,
Siddarthanagar, Jalahalli West,
Bangalore.15

... Applicants

[By Advocate Shri R.N. Deshapande]



v.

1. The Officer Commanding,
Headquarters Training Command/U,
Air Force, Bangalore.6
2. The Air Officer Commanding in Chief,
Headquarters Training Command,
HEADQUARTERS, Hebbal, Bangalore.24.
3. The Joint Director of Personnel,
[Civilians] Air Headquarters,
Ministry of defence, Vayu Bhavan,
New Delhi.110 001.

... Respondents

[By Advocate Shri G. Shanthappa
Addl. Central Government Standing Counsel]

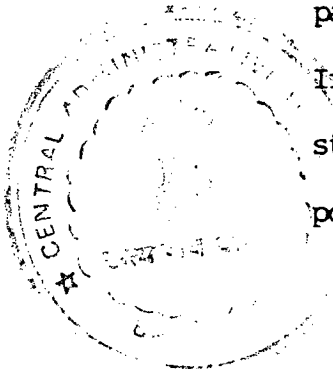
O R D E R

Shri Justice P.K. Shyamasundar, Vice-Chairman:

1. Admit. Heard both sides. In this application there are 7 people seeking relief of absorption as Anti Malaria Lashkar ['AML' for short] in which post they had earlier worked on daily wagers. It is common ground that the work of a AML was available at intermittent intervals depending upon the availability of work. Even then it is pointed out that the applicants had put in six months or more of active service as AMLs and they are entitled to be absorbed in regular vacancies available or likely to arise in future.
2. The issues raised herein are no longer res integra having been decided both by a Bench of this Tribunal in O.A.No.15 to 21/91 disposed off on 7.3.1991 and the other OA before the Madras Bench of the Tribunal in O.A.No.189 to 193/92 and 224/92 disposed off on 15.3.1993. In both the cases the Bangalore and Madras Benches of this Tribunal had directed consideration of the applicants case therein for appointment regularly as and when vacancies arose in Group D posts and their claim should be accordingly considered. With such observation the Tribunal had disposed off the above applications. We think it proper to follow the

judgments of the benches of this Tribunal and that of Madras Tribunal and in terms thereto make an order directing the respondents to consider the cases of the applicants for absorption in vacancies in Group D posts and absorb them as and when the vacancies arise in accordance with the prescribed procedure. With the observation as aforesaid this application stands disposed off finally.

3. Although the applicants have filed a common petition they are directed to pay separate court fee. The requirement regarding payment of court fee is to be complied with within 2 weeks. If and when they are appointed the question of seniority shall stand regulated with such instructions as may obtain at that point of time.



Sd-
MEMBER[A]

bsv

Sd-
VICE-CHAIRMAN

TRUE COPY

[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

23/12/93

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Annexure - E

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated 14 SEP 1992

APPLICATION NO (S) 24 / 92

W.P. NO (S)

Applicant(s)

Shri Nagabyraiah & 6 Ors

To

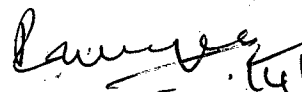
Respondent (s)

V/s The Air Officer Commanding, Air Force
Station, Jalahalli, Bangalore & 2 Ors

1. Shri Nagabyraiah
S/o Shri Boraiah
No. 479, 9th Main
Indiranagar
West of Chord Road
Bangalore - 560 010
2. Shri Krishnamurthy N.
S/o Shri Narasiah
No. 5, Police Quarters
1st Block, Seshadripuram
Bangalore - 560 020
3. Shri A. Jenakiram
4. Shri J. Ramamurthy
5. Shri Venkatesha Murthy
(S1 Nos. 3 to 5 -
C/o RCA Cycle Mart
No. 9, Jalahalli West
Bangalore - 560 015)
6. Shri Narayanaswamy
S/o Shri Doddamuniyappa
No. 220/1, Bazar Street Cross
Neelassandra
Bangalore - 560 047
7. Shri Hanumantharayaappa
S/o Shri Senjeevaiah
R/a KEB Lane
KEB Office, Doddaballapura
Bangalore District
8. Shri C.N. Bhaktavatsalu
Advocate
No. 28, Raja Snow Building
Seshadripuram
Bangalore - 560 020
9. The Air Officer Commanding
Air Force Station
Jalahalli West
Bangalore - 560 015
10. The Air Officer Commanding-in-Chief
Headquarters Training Command
Indian Air Force
Hebbal
Bangalore - 560 024
11. The Joint Director of Personnel
(Civilians) (JDPC)
Air Headquarters
Vayu Bhavan
New Delhi - 110 011
12. Shri M. Vesudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : FORWARDING COPIES OF THE ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of the ORDER/~~STAY~~/
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application (s) on 4-9-92.

For  14/9/92
DEPUTY REGISTRAR
(JUDICIAL)

(39)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE FOURTH DAY OF SEPTEMBER 1992

Present :

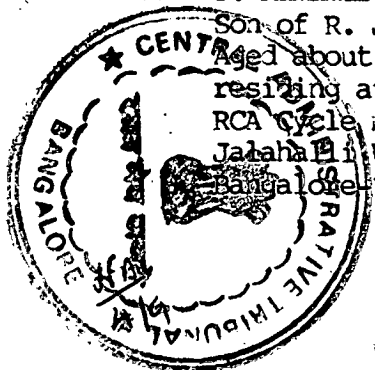
Hon'ble Shri Syed Fazlulla Razvi ... Member (J)

Hon'ble Shri S. Gurusankaran ... Member (A)

APPLICATION NO.24/1992

1. Nagabyraiah,
Son of Boraiah,
Aged about 29 years,
residing at No.479,
9th Main, Indiranagar,
West of Chord Road,
Bangalore-10.
2. Krishna Murthy, N
Son of Narayanaiah,
aged about 28 yeasers,
1st Block, Seshadripuram
Bangalore.20
3. A. Janakiram,
Son of Appau,
Aged about 31 years,
C/o RCA Cycle Mart,
Jalahalli West,
Bangalore.15.
4. Narayanaswamy,
Son of Doddanuniyappa,
Aged about 29 years,
No.220/1, Bazar Street Cross,
Neelasandra,
Bangalore-47.
5. Hanumantharayappa,
S/o Sanjeevaiah,
Aged about 27 years,
residing at KEB Lane,
KEB Office,
Doddahallapura,
Bangalore District.
6. J. Ramamurthy,
Son of R. John,
Aged about 28 years,
residing at C/o
RCA Cycle Mart,
Jalahalli West,
Bangalore-15.

...Applicants



- (140)
7. Venkatesha Murthy,
Son of Chellaiah,
Aged about 27 years,
C/o RCA Cycle Mart,
Jalahalli West,
Bangalore. ...Applicant
(Shri C.N. Bhaktavatsalu ... Advocate)

v.

1. The Air Officer Commanding.
Air Force Station,
Jalahalli West,
Bangalore.
2. The Air Officer Commanding
in-chief,
Headquarters,
Training Command,
Headquarters, Hebbal,
Bangalore. 560 024.
3. The Joint Director of Personnel,
(Civilians), Air Headquarters,
Ministry of Defence,
Vayu Bhavan,
New Delhi. 110 011. ... Respondents
(Shri M. Vasudeva Rao ... Advocate)

This application having come up for hearing today, Hon'ble
Shri Syed Fazlulla Razvi, Member (J), made the following:

ORDER

1. The applicants who are seven in number have filed this application under Section 19 of the Administrative Tribunals Act, 1985, seeking the following reliefs;

a. Quash the termination order No. JAL/1301/2/PC dated 13th December 1991 (Annexures C-1 to C-7) and order reinstatement of the applicants retrospectively from 13th December 1991 with continuity of service, back salary and all other consequential benefits;

b. Direct the respondents to absorb the applicants against Group D posts as per Order No. AIR/HQ/20613/464/EST-II dated 15.12.89 (Annexure E) passed by the 3rd respondent with all consequential benefits.

c. Award costs and grant such other relief/s as this Hon'ble Tribunal deems it fit to grant in the facts and circumstances of this case.

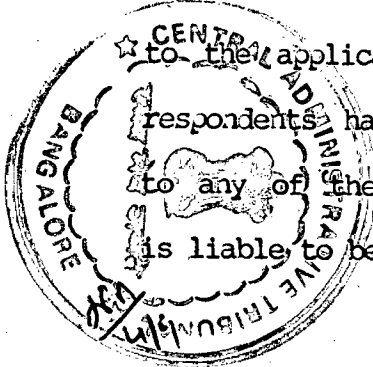
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4/9

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2. The case of the applicants briefly put is as follows:

Consequent upon the sponsoring of their names by the Employment Exchange for appointment as Anti Malaria Lascar in the establishment of the first respondent on daily wages, the applicants appeared for interview by selection pursuant to the letters at Annexures A-1 to A-7 and they came to be selected for such appointment and appointment orders as per Annexures B-1 to B-7 came to be issued by which they were appointed as casual workers (Anti Malaria Lascar Seasonal) with effect from 18.6.1991 on daily wages of Rs.37.75 ps. with the condition that their services will be terminated with effect from 15.12.1991. The applicants worked in the said post on the basis of the appointment orders at Annexures B-1 to B-7 and subsequently their services came to be terminated as per Annexures C-1 to C-7 with effect from 13.12.1991, 14th and 15th being holidays. Aggrieved by the said termination, the applicants have come up before this Tribunal seeking the aforesaid reliefs.

3. The respondents, contesting the application have filed the reply wherein they have contended that as per the appointment orders the services of the applicants came to be terminated with effect from 13.12.1991 and that the applicants cannot seek regularisation in the post that they were temporarily holding and that the Government Order dated 15.12.1989 produced at Annexure E to the application is not applicable to the applicants. The respondents have claimed that the applicants are not entitled to any of the reliefs sought for and as such the application is liable to be dismissed.



4. We have heard the learned counsel appearing for the parties.

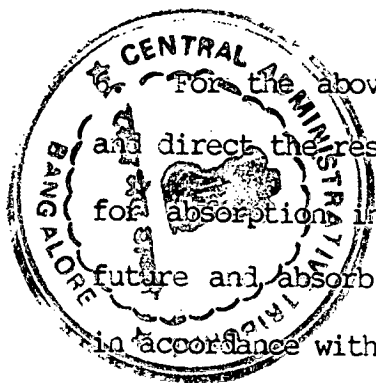
5. Shri C.N. Bhaktavatsalu, learned counsel, appearing for the applicants submitted that the case of the applicants herein is similar in all respects to the cases of the applicants in A no.15 to 21/91 which came to be disposed of by this Tribunal by order dated 7.3.1991, a copy of which order has been produced at Annexure F. He submitted that he is not pressing the first relief sought for by the applicants ie., the relief of quashing of the orders of termination and for reinstatement of the applicants retrospectively from 13.12.1991 with continuity of service, back salary and all other benefits and he also submitted that the applicants only seek the relief similar to the one granted to the applicants in A No.15 to 21/91. It was, therefore, urged for the applicants that a direction may be issued to the respondents on the same lines as per the directions given in A No.15 to 21/91. Shri M. Vasuleva Rao, learned counsel appearing for the respondents while not disputing that the case of the applicants herein is similar to the cases of applicants in O.A. No.15 to 21/91, submitted that there are no vacancies as on today in which the applicants can be accommodated in Group D posts and he also submitted that he has no objection for disposing of the application on the same lines as A No.15 to 21/91 came to be disposed of.

5. A No.15 to 21/91 had been filed by the applicants therein represented by Shri Bhaktavatsalu who is also appearing for the applicants herein and as can be seen from the copy of the order produced at Annexure F, similar contention had been raised on behalf of the parties in the said O.A. No.15 to 21/91 and this Tribunal held that the applicants therein were not entitled to

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- 5 -

the first relief sought for which is akin to the first relief sought in the present application and that the only direction that can be given was one directing the respondents to consider the cases of the applicants for absorption in the vacancies to Group D posts arising in future and absorb them in such vacancies as and when they arise in accordance with the prescribed procedure. As we have already pointed out the applicants are not entitled to the first relief sought for in the application and rightly that relief has not been pressed before us by the learned counsel for the applicants. Having regard to the cases of the applicants herein whose cases are similar to those who had filed A No.15 to 21/91 it will be proper in the interest of justice to dispose of this application by giving a direction similar to the one given by this Tribunal in A No.15 to 21/91.



For the above reasons we allow these applications in part and direct the respondents to consider the cases of the applicants for absorption in the vacancies to Group D posts, arising in future and absorb them in such vacancies as and when they arise in accordance with the prescribed procedure. No costs.

Sd-
MEMBER (A)

Sd-
MEMBER (J)

bsv

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[Signature] 14/9/91

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE