

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 038.

Contempt Petitions No.16 to 19/95

Dated: 24 MAR 1995

IN

APPLICATION NO. 232 to 244 of 1991(F).

APPLICANTS: Sri.Ramaiah and three Others.,

V/S.

RESPONDENTS: Air Commodore Atma Singh, Air Officer Commanding,
Air Force Station, Jalahalli, Bangalore and others.,

To

1. Sri.D.Leelakrishnan, Advocate, No.G-5,
Brigade Links, No.54/1, First Main Road,
Seshadripuram, Bangalore-560 020.
2. Sri.M.Vasudeva Rao, Additional Central
Government Standing Counsel, High Court Building,
Bangalore-560 001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 09-03-1995.

Issued on
24/03/95

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

CIVIL PETITIONS (CIVIL) NOS.16 TO 19 OF 1995

THURSDAY, THIS THE 9TH DAY OF MARCH, 1995.

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

.. Member (A)

1. Ramaiah,
S/o Rudrappa,
Aged about 30 years,

2. P. Lourdunathan,
Son of Peter,
Aged about 24 years.

3. V. Channaiah,
S/o Channaiah,
Aged about 31 years.

4. P. Raja,
S/o Padavattan,
Aged about 32 years.

Care of Sri D. Leelakrishnan,
G-5, Brigade Links, No. 54/1,
1st Main Road, Seshadripuram,
Bangalore-560 020.

.. Petitioners.

(By Advocate Shri D. Leelakrishnan)

v.

1. Air Commodore Atma Singh,
Air Officer Commanding,
Air Force Station,
Ministry of Defence, Government of India,
Jalahalli West, Bangalore-560 015.

2. Air Marshall V. Puri,
Air Officer Commanding-in-Chief,
Head Quarters Training Command,
Ministry of Defence,
Government of India, Hebbal,
Bangalore-560 006.

3. Air Commodore H.P. Singh,
Joint Director of Personnel (Civilians),
Air Head Quarters, Government
of India, Ministry of Defence,
Vayu Bhavan, New Delhi-110 011.

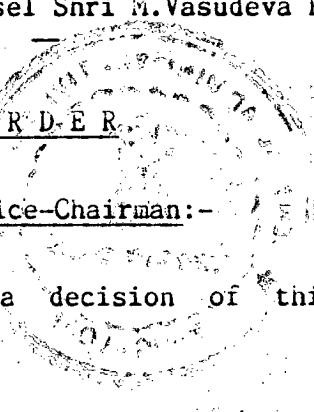
.. Respondents.

(By Standing Counsel Shri M. Vasudeva Rao)

1995 JUNE ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:-

We find, pursuant to a decision of this Tribunal in



O.A.No.232 to 244 of 1991 disposed of on 10-7-1991, the applicants therein, a few of them are before us in these petitions, became entitled to the benefit of employment. After waiting for considerable time and having found that the jobs assured to them following the direction of the Tribunal in the aforesaid cases did not follow, they have presented these contempt petitions seeking a direction to the respondents to comply with the order of this Tribunal. When the matter stood thus, the respondents have now filed written objections supported by an affidavit stating that steps have been taken to provide jobs to the petitioners as made evident from Annexure-R2. We are also now told that in about two months' time the formalities of employing the petitioners would be satisfactorily completed. In the circumstances, we make a record of the statement made by Shri M.Vasudeva Rao, learned Additional Central Government Standing Counsel that in two months' time the petitioners will be considered for absorption in any available group-D posts and withdraw the notice issued in these contempt petition on that assurance. Shri D.Leelakrishnan, learned counsel for the petitioners undertakes to furnish the correct addresses of the petitioners as of now to enable issue of orders/communications, to the department and he is permitted to furnish such addresses to respondent-2 as soon as possible.

Sd/-

MEMBER(A)

Sd/-

VICE-CHAIRMAN.



TRUE COPY

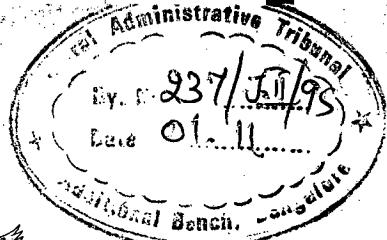
24/3/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

Wing Commander D V Vaswani

Commanding Officer

Tele : 8394464/301
8394506

58SU/ 821/1/1/PC



58 Signals Unit
C/o. Air Force Station Jalahalli,
Jalahalli West,
Bangalore - 560 015

19 Oct 95

CONTEMPT PETITIONS NO. 16 TO 19/95
IN
APPLICATION NO. 231 TO 244 OF 1991(F)

Suv

1. As per the above petition I was ordered to consider the names of the four persons involved in the petition for suitability of employment as Group 'D' civilians at 58 SU, AF. As instructed by the Court all the formalities had been completed by May 95.
2. Appointment letters for enrolling 57 Group 'D' (including the ones found suitable in the said petitions) are ready for despatch to individuals but are held up pending instructions. Although the undersigned has made all efforts to get an legal interpretation of the Court order, the answers, the unit has been receiving are very vague and non-committal.
3. As a last resort I have taken the liberty of writing to you directly with a request to let the unit know if we can go ahead with the requirement of Group 'D' civilians and issue appointment letters to all the successful candidates.
4. A brief history of the case is attached as appendix 'A' to this letter.
5. Expecting a response.

Yours Sincerely

Encl : As stated

✓ Mr Justice PK Shyamsundar
Vice Chairman
Central Administrative Tribunal
Bangalore Bench
Second Floor
Commercial Complex
Indiranagar
Bangalore - 560038

Copy to : HQ SAC, IAF

D. R. (J) What's up
He Meek
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26/10

Discussed

27/10/95

1. 58 SU is established for 05 Group 'C' and 57 Group 'D' civilians.
2. This unit was advised by Headquarters Southern Air Command, Indian Air Force to initiate immediate action for recruitment of 03 Group 'C' and 50 Group 'D' civilians vide their letter No. SAC/7527/9/PC dated 01 Oct 94.
3. On 25 Nov 94, after receipt of the above quoted letter, Unit forwarded requisition, allocating category wise vacancies for SC, ST, OBC and Ex-servicemen to Department of Employment and Training (General) - Bangalore for sponsoring candidates from Employment Exchange.
4. On 08 Dec 94 Employment Exchange, Bangalore forwarded a list of SC, ST and General Category candidates for interview.
5. Interview letters were sent to the sponsored candidates on 18 Dec 94 and they were asked to appear for interview on 10 Jan 95.
6. 212 candidates appeared for interview out of 410 called for interview for filling 37 vacancies (i.e. SC, ST and General category). Candidates appeared were interviewed on 10,11 and 12 Jan 95 and 89 candidates were selected against 37 Group 'D' posts.
7. Shri Neelmegan and 26 others, who worked as Casual labourers in Air Force Station Jalahalli, filed a civil petition 148/95 for their absorption into Air Force and prayed for an Interim Stay. Unit could not recruit the selected candidates as the Hon'ble Court (Central Administrative Tribunal) granted Interim Stay. Subsequently the Court passed the verdict saying that 58 SU would not bear any responsibility for appointment of the petitioners and Air Headquarters should take a decision within Six months in this connection.
8. Further Shri Ramaiah and 03 others filed a contempt petition 16/95. The Hon'ble Court (CAT) ordered 58 SU to consider the petitioners for appointment according to procedure. All the four candidates were interviewed as per Court's Order on 15 May 95.

Tele : 396744/2216

ANNEXURE - B

Air Force Station
Jalahalli West
Bangalore - 15

JAL/1523/252 - 244/PC

03 Jul 92

Sri D Leelakrishnan
Advocate
C-5, Brigade Links
54/1, 1st Main Road
Seshadripuram
Bangalore - 20

ABSORPTION OF AM LASCARS (CASUAL LABOURERS)

Sir,

1. Reference is made to your letter dated 10 Jun 92.
2. It is intimated that this Station has already appointed 13 Anti Malaria Lascars (Casual Labourers) on 16 Jun 92 and one AM Lascar on 17 Jun 92.
3. As regards the absorption of the personnel mentioned in your letter under reference in the Group 'D' Posts, their cases will be considered as and when Gp 'D' vacancies are released by higher authorities.

Yours faithfully,


(K. Ponnurangam)
C S O
O.i/c Civil Admin
for A O C

Copy to :-

HQ Training Command IAF (PC) - for information
Air HQ, Vaya Bhawan
New Delhi - for information

⑩ 211730

FROM AIR HQ VB
TO HQ 13 — HQ SAC
INFO58SU -- AF STN JALAHALLI
BT

S21/21

SEN/SSN

UNC PC/43QFEB/21 STOP

FOR SPSO/CPSO FROM DDPD COUNTERPETITION NO 16019/957

NOA 0+N0232 T0244/91 FILED BY SHRI RAMAIAH ANDORS VS AOC

AF STN JALAHALLI AND TWO OTHERS AND AF STN JALAHALLI LETTER

JAL/C 940/1/927/21 FEB 14 ADDRESSED TO AIR HQ AND COPY TO

HQ TC A+CMA HQ SAC AND 58 SU PD RECRITITMENT ACTIO TO FIL L UP

59 GROUP D POSTS NON AVAILABILITY CERTIFICATE FOR WHICH WAS

ISSUED BY AG9S BRANCH VIDE LETTER 15973/REL/ORG 4(CIV) DATED

14 SEP 94 IS IN PROGRESS BY HQ SAC/58 SU ARE REQUIRED

TO CONSIDER CASES OF ALL PETITIONERS IN THE ABOVE

PETITIONS FOR ABSORPTION IN THOSE GROUP D POSTS AND

ABSORB THEM IN ACCORDANCE WITH PRESCRIBED PROCEDURE AS

DIRECTED BY HONBLE CAT IN PARA SEVEN AND EIGHT OF THE

JUDGEMENT DATED 10 JUL91 NOA NO 232 T0244/91 PD HQ TC/

AF STN JALAHALLI TO INFORM HONBLE CAT OF ABOVE ACTION PD

THIS HQ BE POSTED OF LATEST POSITION PD //

BT

DD 1809

21808 VBBV Q055

21809 AFBN 1125

21802 CBTA Q550

MNN

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

(8)

ANNEXURE-A

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 30 JUL 1991

APPLICATION NOS 232 to 244

/ 91 (F)

W.P. NO (s)

Applicant (s)

Shri Ramaiah & 12 Ors

To

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

1. Shri Ramaiah
2. Shri P. Lourdunathan
3. Shri P. Ravi
4. Shri Kempagangaiah
5. Shri V. Channaiah
6. Shri V. Jayapal
7. Shri S. Jeevegan
8. Shri D. Kumar
9. Shri D. Raju
10. Shri Muniraju
11. Shri K. Vasudevan
12. Shri B. Ramaiah
13. Shri P. Raja

(Sl Nos. 1 to 13 -

14. Shri C.N. Bhakthavatsalu
Advocate
No. 28, Raja Snow Buildings
Seshadripuram
Bangalore - 560 020

15. The Air Officer Commanding
Air Force Station
Jalahalli
Bangalore - 560 015

16. The Air Officer Commanding-in-Chief
Headquarters Training Command, IAF
Hebbal
Bangalore - 560 024

17. The Joint Director of Personnel
(Civilians) (JDPC)
Air Headquarters
Vayu Bhavan
New Delhi - 110 011

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

C/o Shri C.N. Bhakthavatsalu

Advocate, No. 28, Raja Snow Building, Seshadripuram, Bangalore - 20

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of the ORDER/STAN/

~~INTERIM ORDER~~ passed by this Tribunal in the above said
application (s) on 10-7-91


for DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

DATED THIS THE TENTH DAY OF JULY 1991

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

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

APPLICATIONS NO.232 TO 244/91

1. Ramaiah, ✓
S/son of Rudrappa,
Aged 27 years.
2. P. Lourdunathan, ✓
Son of Puttaiah,
Aged 21 years.
3. P. Ravi,
S/o Puttaiah,
Aged 26 years.
4. Kempagangaiah,
Son of Mallaiah,
Aged 31 years.
5. V. Channaiah, ✓
S/o Channaiah,
Aged 28 years.
6. V. Jayapal,
S/o Velu,
Aged 28 years.
7. S. Jeevagan, ✓
S/o Shanmugam,
Aged 28 years.
8. D. Kumar,
S/o Devarajan,
Aged 30 years.
9. D. Raju,
S/o Dhanapal,
Aged 29 years.
10. Muniraju,
Major.
11. K. Vasudevan,
S/o Kuppuswamy,
Aged 29 years.

... Applicants



- 2 -

12. B. Ramaiah,
S/o Byleiah,
Aged 28 years.

13. P. Raja,
S/o Padavattan,
Aged 29 years.

... Applicants

Addressees of the applicants 1 to 13
is that of their Advocates Sri D.
Leelakrishnan and C.N. Bhaktavatsalu,
No.28, Raja Snow Buildings, S.C.Road,
Bangalore-560 020.

(Shri C.N. Bhakthavatsalu Advocate)
v.

1. The Air Officer Commanding,
Air Force Station,
Jalahalli,
Bangalore-15.

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 Bhawan,
New Delhi - 110 011.

... Respondents

(Shri M.Vasudeva Rao ... Advocate)

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

ORDER

The 13 applicants above named have filed these applications
seeking the same relief based on averments common to all of them.

The reliefs sought are these:

J.F.N
10/17
a) declare that the applicants herein are entitled to
be absorbed against Group D posts in the 1st res-
pondent Establishment as per Order No. AIR.HQ/
20613/464/Estd-II dated 15.12.1989 (Annexure E)

passed by the third respondent; and

- b) quash the orders of terminations dated 15.12.90 (Annexures C-1 to C-13) and Order their reinstatement retrospectively from 16.12.1990 with continuity of service, back salary and all other consequential benefits;
- c) direct the respondents to absorb the applicants against the regular Group B posts as per the order dated 15.12.1989 (Annexure E passed by the third respondent with all consequential benefits.
- d) award costs and grant such other relief/s as this Hon'ble Tribunal deems fit fit to grant in the facts and circumstances of this case.

2. The case of the applicants, briefly put, is this:-

The Regional Employment Exchange with whom the applicants had registered themselves for appointment against suitable vacancies had sponsored their names for being appointed as Anti Malaria Lascars (ALM for short) in the establishment of the 1st respondent in the scale of Rs.750-940 plus all allowances admissible to the Central Government employees. The applicants were called for interview by the first respondent and accordingly the applicants appeared for interview and they were selected for appointment as ALMs and were given appointment orders as per Annexures A-1 to A-13; that the applicants joined duty and were discharging their duties honestly and sincerely; that the first respondent issued notices of termination to the applicants intimating them that they will be terminated from service with effect from 15.12.1990 as per true copies of the notices produced at Annexures B1 to B13;



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that the 1st respondent also issued termination orders as per Annexures C-1 to C-13; that the 1st respondent had also issued service certificates as per Annexures D-1 to D-13; that inspite of repeated representations and personal approaches, the 1st respondent did not take any steps to absorb these applicants against Group D posts released by the third respondent by order dated 15.12.1989 as per Annexure E; that in A No.339 to 347/90 and A Nos.604 to 611/90 disposed of by this Tribunal persons similarly placed like the applicants had approached this Tribunal and this Tribunal granted the relief to regularise them against Group D posts; that the copies of those orders are at Annexures F and G; that the applicants herein, being similarly placed like the applicants in the other two cases disposed of by this Tribunal and when vacancies in Group D posts still exist in the establishment of the first respondent there is no justification whatsoever for the 1st respondent not according the same benefits awarded to the applicants in those two cases. Hence this application.

3. The respondents, resisting the application, have by way of their reply contended that the previous orders passed by this Tribunal in the cases referred to by the applicants at Annexure F and G as well as the order passed by the 3rd respondent as per Annexure E are not at all applicable to the present applicants and they are not similarly placed like the applicants in those two cases. The respondents on the basis of the pleas put forth in the reply contend that the applicants are not entitled to any of the reliefs sought.

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4. We have heard the learned counsel appearing for the parties and examined the contentions urged in the light of the material on record.

5. On a careful perusal of the pleadings and the annexures filed by the applicants it is manifest that the applicants herein were appointed temporarily as casual workers upto 15.12.1990 i.e., during the seasonal period on daily wages. The appointment orders produced at Annexures A-1 to A-13 show in unmistakable terms that the appointment is as casual worker (AML seasonal) on daily wages and that the services will be terminated with effect from 15.12.1990 and accordingly after the season was over these applicants were terminated from service with effect from 15.12.1990. The learned counsel for the applicants submitted that the case of the applicants is similar to the case of the applicants in A Nos. 22 to 27/91 which was disposed of by us on 7.3.1991. He fairly conceded that the applicants are not similarly placed like the applicants in the cases disposed of as per Annexures F and G that is the cases disposed of by this Tribunal in A No. 339 to 347/90 (vide Annexure F) and A Nos. 604 to 611/90 (vide Annexure G). He urged that the case of the applicants herein being similar to the case of the applicants in A No. 22 to 27/91 disposed of by

us by order dated 7.3.1991 the present applications ~~can~~ be also disposed of by giving similar directions as given in A No. 22 to 27/91. He pointed out that the applicants having been already sponsored by the Employment Exchange when they were appointed



as per orders at Annexures A-1 to A-13, they may have to be absorbed in the future vacancies without recourse to the Employment Exchange.

6. Sri M. Vasudeva Rao for the respondents did not dispute that fact that the applicants herein are similarly placed like the applicants in A No.22 to 27/91, which were disposed of by us by order dated 7.3.1991. He further submitted that in view of the decision in A No.22 to 27/91 he leaves the matter to the Tribunal to pass appropriate orders in this application, which the Tribunal may deem fit.

7. While considering the claim of the applicants in A No.22 to 27/91 we had examined in detail the applicability of the Government order dated 15.12.1989 produced at Annexure E in the present application ^{and} we had held that the said Government order dated 15.12.1989 would be applicable only to those AMLs who were rendered surplus in the year 1989 and whose services had been terminated during the year 1989. Like the applicants herein, the applicants in A No.22 to 27/91 were also appointed on daily wages and their services were also terminated with effect from 15.12.1990. Thus we find that though the applicants cannot equate themselves with the applicants in the cases the copies of which orders are produced at Annexures F and G as claimed by the applicants, the case of the applicants herein ~~xxx~~ is similar and on all fours with the case of the applicants in A No.22 to 27/91, as now contended by the learned counsel for the applicants. In our opinion similar directions as given

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in the A No.22 to 27/91 is required to be given in this case also. We are in agreement also with the contention put forth for the applicants by their learned counsel that since the applicants had already been sponsored by the Employment Exchange when they came to be appointed as per appointment order at Annexures A-1 to A-13 they need not be sponsored again by the Employment Exchange for absorbing them in future vacancies to Group D posts.

8. For the above reasons, these applications are allowed to the extent indicated above and we 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-
10/7/91
MEMBER (J)

Sd-
10/7/91
MEMBER (A)

bsv

TRUE COPY

R. S. B. (P)
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 038.

Contempt Petition No.149 to 152 of 1996 dated: 13 JAN 1997

APPLICATION NO. 232,233,236 to 244 of 1991.

APPDICTANT(S) : Sri.Ramaiah and others.,

V/s.,

RESPONDENTS : Air Commodore P.P.S.Kahlon, Air Officer Commanding,
IAF Station, Jalahalli West, Bangalore & Others.,

To.

1. Sri.D.Deelakrishnan, Advocate,
G-5, Brigade Links, 54/1,
First Main, Seshadripuram,
Bangalore-5600020.
2. Sri.S.Ghallaiah, Addl.Central Govt.
Standing Counsel, No.40, MICO Layout,
Attiguppe, Bangalore-560040.

Subject:- Forwarding of copies of the Orders passed by
Central Administrative Tribunal, Bangalore-38.

-x-x-x-

A copy of the Order/Stay Order/Interim Order,
passed by this Tribunal in the above stated applicatio(s)
is enclosed for information and further necessary action.
The Order was pronounced on First January, 1997.

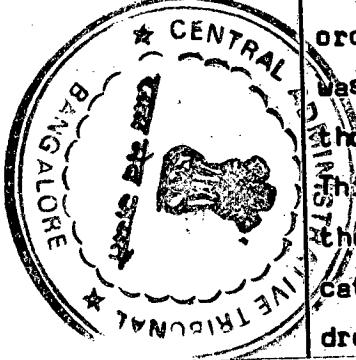
For *Chay*
Deputy Registrar
Judicial Branches.

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

- 5 -

Application No. of 199 CP 149 to 152/96 in OA 232, 233, 236 & 244/91

ORDER SHEET (Contd.)

Date	Office Notes	Orders of Tribunal
		<p><u>DPH (VC)/VR (MA)</u> 01.01.97</p> <p>Flying Officer Shri Ashok Kumar present and makes available a copy of the appointment order in favour of Petitioner No.3, who alone was found fit to be appointed and others, though considered, were not found suitable. This copy of the order is in compliance with the order made earlier in the Original Application. That being so, proceedings are dropped.</p>

Sd-

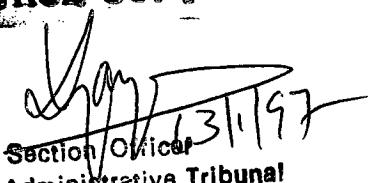
M (A)

Sd-

VC

TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore


13/1/97