

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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

Dated: 22 MAR 1995

APPLICATION NO. 23,479 to 490 of 1995.

APPLICANTS: Sri.G.Shankar and twelve others.,

v/s.

RESPONDENTS: The Air Officer Commanding, Institute of Aerospace
Medicine, I.A.F., Bangalore and two others.,

To

1. Sri.D.Leelakrishnan, Advocate,
No.54/1, G-5, Brigade Links,
First Main Road, Seshadripuram,
Bangalore-560 020.
2. Sri.M.S.Padmarajaiah, Senior Central
Govt.Stng.Counsel, High Court Bldg,
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
22/03/95

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for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NUMBERS 23, 479 TO 490 OF 1995

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

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

.. Member(A)

1. G. Shankar,
Aged about 29 years,
S/o Sri A. Govinda Swamy,
Residing at No. D-1, 758,
Binypet, Bangalore-560 023.
2. A. Vivek,
S/o Sri Armugam,
Aged about 29 years,
Residing at No. 10/43, Ashoknagar,
Arabic College Post,
Bangalore-560 045.
3. Gopinath,
S/o M. Thyagaraj,
Aged about 29 years,
residing at No. 125, Siddarthanagar,
Dr. TCM Royan Road,
Bangalore-560 023.
4. V.P. Srinivasa Murthy,
S/o Sri Panchalaiah,
Aged about 31 years,
residing at No. 55, Corporation
Colony, Murphy Colony,
Bangalore-560 008.
5. G. Srinivasulu,
S/o Sri Govindan,
Aged about 28 years,
residing at 6th Cross, Cheluvaiah
Street, Ramamoorthy Nagar,
Bangalore-560 016.
6. G.K. Babu Rao,
S/o Sri Kondaiah,
Aged about 31 years,
residing at No. 131, Nellupuram,
New Thippasandra P.O.,
Bangalore-560 075.
7. P. Lakshminarayana,
S/o K.V. Papiah,
Aged about 31 years,
residing at No. 71, Vidyaranyanagar,
Magadi Road,
Bangalore-560 023.
8. H.B. Choodalingaiah
S/o A. Bhadragiri,
Aged about 29 years, Residing at
Fort, Harohalli Post,
Kanakapura Taluk,
Bangalore District.



.. Applicants(Contd..)

9. K. Ravi,
S/o Sri G.Krishnan,
Aged about 31 years,
residing at No.5, 7th Cross,
II Main, Gowthamapuram,
Ulsoor, Bangalore-560 008.
10. G. Laxmana Shankar,
S/o Sri N. Gurappa,
Aged about 29 years,
residing at No.200, Kodihalli,
HAL Post, Bangalore-560 017.
11. Ramaswamy,
S/o Sri Audugodappa,
Aged about 31 years,
residing at Sanethanahalli Post,
Via Kadogodi, Hosakote Taluk,
Bangalore-560 067.
12. N. D. Girish,
S/o Sri Dasappa,
Aged about 28 years,
residing at Kotur, Muthasandra
Post, Varthur, Hosakote Taluk,
Bangalore District.
13. P. Venkatesh,
S/o Sri V. Parthasarathi,
Aged about 30 years,
residing at No.6, UCO Bank Road,
Ramamurthy Nagar, Doorvaninagar P.O.,
Bangalore-560 016.

.. Applicants.

(By Advocate Shri D. Leelakrishnan) in A.Nos. 23, 479 to 490/1995

v.

1. The Institute of Aerospace Medicine,
Indian Air Force,
Ministry of Defence, Government of
India, Vimanapura, Bangalore-17,
represented by its Air
Officer Commanding.
2. The Air Officer Commanding in Chief
Head Quarters Training Command,
Ministry of Defence, Government of
India, Bangalore-560 006.
3. The Joint Director of Personnel,
(Civilians), Air Head Quarters,
Ministry of Defence, Vayu Bhavan,
NEW DELHI - 110 001.

.. Respondents.

(By Standing Counsel Shri M.S. Padmarajaiah)

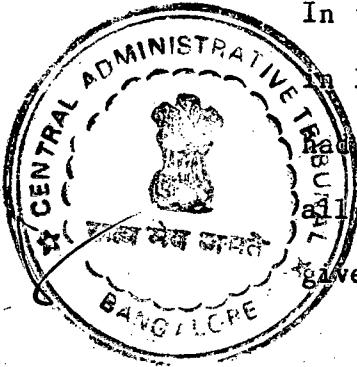
ORDER

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

We have heard Mr. D. Leelakrishnan, learned counsel for the

applicants and Shri M.S.Padmarajaiah, learned Senior Central Government Standing Counsel who opposes these applications with great vehemence. In all these applications, the applicants who were at one time appointed on ad hoc terms made tenable for a period of 6 months' duration under the respective appointment orders, now want appropriate directions being given to the department itself stating that all of them should be considered for permanent absorption in Group-D cadre having regard to the services rendered by them in the past and regard also being had to the fact that all of them had been sponsored through the appropriate employment exchange, thereafter interviewed and satisfaction recorded by the employer touching their suitability on all aspects.

2. Per contra, it is contended for the department by the learned Standing Counsel that the applicants themselves had not acquired any particular right to demand that they be absorbed and given permanent employment in Group-D post by virtue of the temporary service rendered on earlier occasion, after having been recruited through the employment exchange. He relied strongly on the offer of appointment made by the department, a copy of which is produced along with the objections statement in which it is made clear that any one who accepts the job in terms of the offer made should consider himself not being eligible for absorption against any regular vacancy and his appointment under the said order would not lead to or give rise any expectation of permanent employment with the department. In those circumstances, he asks us to reject these applications in limine taking into consideration the fact that the applicants had no right at all, either vested or otherwise, to demand that all future vacancies in the Group-D post should by right be given to them. Undoubtedly, there is force in this submission.



of the learned Standing Counsel. Even so, we also notice that Sri Leelakrishnan appearing for the applicants does not also put his case on the grounds of entitlement as a matter of law. What counsel asks us to say is that having regard to the fact that the applicants had been in and out of these jobs from June, 1994 to December, 1994 and on an earlier occasion this Court had made an order in favour of similarly situated persons directing absorption in a Group-D post, as and when vacancies arise, we may taking into consideration the human aspect instead make similar orders in these cases also.

3. We are free to take notice of the appeal made to us based on the plight suffered by the applicants, but nonetheless we must observe that they do not have any semblance of a right for appointment on a permanent footing in a Group-D post, which have necessarily to be filled up regularly in accordance with the Recruitment Rules. We cannot commend the department to afford employment opportunity to the applicants in total negation of the Recruitment Rules. But, even then we consider that it is just and proper for the department to consider the case of the applicants for appointment in any Group-D post other than on the make shift basis under which they are presently being catered to. We feel it is just and proper for us to make an order directing the first respondent to consider the case of the applicants along with others if any, for fitment in any Group-D post, that may arise in the course of one year from the date of this order. While entitlement for such consideration is limited to the period aforesaid in the case of the applicants, we make it clear that it would not be necessary for de novo sponsoring of their names by the Employment Exchange and their

cases should be considered without insisting on fresh sponsorship by any Employment Exchange. With these observations and directions these applications stand finally disposed of. No costs.

Sd/-

Sd/-

MEMBER(A)

VICE-CHAIRMAN.

np/



TRUE COPY

Naresh
26/3/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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

Contempt Petition No. 110 to 122 of 1996 in
Dated 20 DEC 1996

APPLICATION NO. 23; 479 to 490 of 1995.

APPDICANT(S) : G. Shankar and Others

V/s.,

RESPONDENTS : Air Officer Commanding, IAM, IAF,
Bangalore and Others.

To.

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

2. Sri. M. S. Padmarajaiah, Sr. BSC,
High Court Bldg, Bangalore-1

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 11-12-96

Se Se
For Deputy Registrar
Judicial Branches.

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

1996-000101-100000

For the information of the parties and the public, it is hereby certified that

the above document is a true copy of the original document.

Application No.

- 5 -
CP (Civil) No. 110 to 122/ 1996

in DA No. 23 & 479 to 490/95 -

of 199

ORDER SHEET (Contd.)

Date	Office Notes	Orders of Tribunal
11.12.96		<p><u>VR (MA)</u> 11.12.96</p> <p>In compliance with the direction dated 27.11.96, Shri M.S. Padmarajaiah files an affidavit from Respondent No.1 which meets the submissions in para 4 & 5 of the Contempt Petition. A copy of the same has been served on Shri D. Leelakrishnan. Both agree that I may dispose of the contempt petition on merit.</p> <p>It is clear from the affidavit that no posts were sanctioned to the 1st respondent's unit during the relevant period and 1st respondent himself did not appoint any person. However, one Shri Rajendran, referred to in para 6 of the contempt petition was given appointment on compassionate grounds by the Commandant, Training, who is no longer a respondent in the contempt petition. It is clear from the above that no contempt has been committed and it is not known as to how the complainant could make specific averments regarding sanction of posts and appointment of persons regarding this unit</p>  <p>...6/-</p>

Date

Office Notes (Continued) Orders of Tribunal

dropped - Stolberg

continued from pre-page

Stolberg

contempt of court
of the court
of the court

when the same has been found to be factually baseless. In the circumstances, the contempt petition is dropped and the alleged contemner is discharged.

dated 20/12/2012

SD/-

MEMBER (A)

TRUE COPY

Br. Secretary

20/12
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

