

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: 22 MAR 1995

APPLICATION NO. 25;696 to 706 of 1995.

APPLICANTS: Sri.P.Chandrashekhar and thirteen others.,

V/S.

RESPONDENTS: Secretary, Ministry of Defence, New Delhi
and another.

To

1. Sri.K.Srinivas Gowda, Advocate,
No.1/1, Zinka Plaza, Sixth Cross,
Gandhinagar, Bangalore-560 009.

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 Ninth March, 1995.

Issued on
28/03/95

9c

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATIONS NUMBERS 25, 694 TO 706 OF 1995

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

Mr. Justice P.K. Shyamsundar,

Vice-Chairman.

Mr. T.V. Ramanan,

.. Member(A)

1. P. Chandrashekhar,
S/o Pooswamy, Aged 30 years,
Major, No. 34, IV Cross,
Dayanandanagar,
Sriramapuram, Bangalore-21.
2. D.M. Narasimhamurthy,
S/o Muniyappa, Aged 28 years,
No. 4, Kasthuri Nilaya,
Babubalinagar, M.E.S. Road,
Jalahalli Post, Bangalore-13.
3. Thimmaiah,
S/o Venkatappa, Aged 28 years,
No. 273, Muneswaranagar,
Gokula Post, Bangalore-54.
4. G.R. Muddarangaiah,
Aged 28 years, S/o M. Thimmaiah,
No. 16, I Main Road, III Cross,
Poojamma Temple Road,
Muninanjappa Building,
Gorguntapalya, Bangalore-22.
5. R. Mahendran,
Aged 26 years,
S/o Rangan, No. 279, Bakshi Garden,
Dr. T.C.M. Royan Road,
Bangalore-560 053.
6. Hanumantharayappa,
S/o Malliah, Aged 30 years,
Guddadahalli, Hesaragatta Post,
Bangalore-88.
7. M. Selvamuthu,
S/o S.A. Manickam,
Aged about 30 years,
r/a Rama Bai Nagar,
Devar Jeevanahalli,
Bangalore-45.
8. M. Gururaja,
S/o Muniyappa B.T.,
Aged about 27 years,
r/a H. Block, No. 462,
Binnypet, Bangalore-23.
9. K. Shivakumar,
S/o H. Krishnan, Aged 30 years,
r/a No. 28, Sulthanji Gunta Road,
Tayamman Temple, Cantonment,
Bangalore-5.

.. Applicants(Contd..)



- 10.T.Thimmaraju,
Aged 27 years, S/o Thimmaiah
(AMCO), Herohalli, Viswaneedam Post,
Bangalore-91.
- 11.Vittal Murthy N.,
Aged 30 years,
S/o Narasimhaiah,
Solovnahalli, Chikkabanavar Post,
Bangalore North Taluk.
- 12.B.Ramesh,
Aged 28 years,
S/o Balasubramaniyam,
No.V/41, Anjaneya Block,
Sheshadripuram, II Main Road,
Bangalore-20.
- 13.L.Girish,
S/o Lakshmana, Aged 27 years,
B.No.16, Panchla Ankanna Line,
Mavarthipete, Bangalore-53.
- 14.M.Murthy,
S/o Manikyam K., Aged 30 years,
No.72, Kamala Nehru Nagar,
II Cross, Mysore Road,
Bangalore-68.

.. Applicants in
A.Nos.25, 694 to 706/1995

(By Advocate Shri K.Srinivas Gowda)

v.

1. The Union of India,
by the Secretary, Ministry of
Defence Services,
Government of India, New Delhi.
2. The Air Commodore,
Air Force Commanding,
Air Force Station, Jalahalli West,
Bangalore-560 015.

.. Respondents.

(By Standing Counsel Shri M.S.Padmarajaiah)

O R D E R

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

We have heard Mr.K.Srinivasa Gowda, 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 Srinivasa Gowda, 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 ~~the~~ Group-D posts 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 group-D posts 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.

TRUE COPY

20/3/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

MEMBER(A)

Sd/-

Sd/-
VICE-CHAIRMAN.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Contemptpetition No.135 to 148 of 1996 in

Dated: 27 DEC 1996

APPLICATION NO. 25 and 694 to 706 of 1995.

APPLICANT(S) : P.Chandrashekhar and others.,

V/s.,

RESPONDENTS : Sri.T.K.Banergyas, Secretary, Ministry of Defence
New Delhi and others.,

To.

1.

Sri.D.Leelakrishnan, Advocate,
No.G-5, Brigade Links, 54/1,
First Main, Seshadripuram,
Bangalore-20.

2.

Sri.K.N.Chandrashekhar, Advocate,
No.120/A, Second Floor, 4th Block,
Fifth Main, Rajajinagar, Bangalore-10.

No.708, 73rd Cross, 6th Block,
Rajajinagar, Bangalore-10

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

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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 16-12-1996.


Deputy Registrar
Judicial Branches.

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

Contempt

Application No. 135 to 148 of 1996 in OANDS 25, and
ORDER SHEET (Contd.) 694 to 706 of 1995.

| Date | Office Notes | Orders of Tribunal |
|------|--------------|---|
| | | <p>DPH (VC)/VR (MA) 6.12.96</p> <p>In view of the order made by the Director, JDPC for AOP dated 25.9.96 filed by the respondents' counsel and the statement made therein that if adequate number of vacancies are released, the petitioners will be considered and if found suitable they will be appointed against those posts, we dispose of these contempt petitions by dropping the action.</p> <p>Sd/</p> <p>Sd/</p> <p>MEMBER (A) VICE CHAIRMAN</p> <p>TRUE COPY</p> <p><i>teg/jasw</i> DEPUTY REGISTRAR (JDL) CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE</p> |