

28/208/98
547/98
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

DA. NOs. 208/98, 458/98, 594/98, 595/98, 1013/98

Dated this the 3rd day of June 1999.

CORAM : Hon'ble Shri D.S. Bawej, Member (A)

DA. NO. 208/98

1. Shri. Sunil Jaywant Raikar,
Worked as Masalchi under the
Commandant, National Defence
Academy, Khadakwasla,
Pune- 411 023.

2. Shri. Ashok Shamrao Bhorkade,
worked as Groundsman under the
Commandant, National Defence
Academy, Khadakwasla,
Pune- 411 023.

3. Shri. Bharat Hanmanta Sandimani,
worked as Waiter under the
Commandant, National Defence
Academy, Khadakwasla,
Pune- 411 023.

4. Shri. Khoodi Ram,
worked as Groom/Cart Driver under
the Commandant, National Defence
Academy, Khadakwasla,
Pune- 411 023.

5. Shri. Pradeep Ganpat Bhosale,
worked as Groundsman/Mali under
the Commandant, National Defence
Academy, Khadakwasla,
Pune- 411 023.

Residing at Uttam-Nagar, Dudhane

Chawl, Opp. Marathi School

• Versus

1. The Secretary,
Ministry of Defence,
South Block, New Delhi.

2. The Commandant,
National Defence Academy,
Khadak-wasla,
Pune- 411 023.

.....Re. 100/-

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. 458 OF 1998

1. Shri Vijay Barku Ingale
worked as Groundsman
under the Commandant, National
Defence Academy, Khadakwasala
R/at. Uttamnagar, Near Marathi
School, Pune 411 023.
2. Smt. Jasoda Parcha
worked as Sweeper under
the Commandant, National Defence
Academy, Khadakwasala, Pune
R/at. Uttamnagar, Tal.
Haveli, Dist. Pune 411023.
3. Rajashree Rajpal Chandalia
worked as Sweeper, under
the Commandant, National
Defence Academy, Khadakwasala,
R/at. Followers Quarters 16/3
N.D.A. Khadakwasala, Pune 23.
4. Shri Bhimrao Anaji Kharat,
worked as Masalchi, under
the Commandant, National

Defence Academy, Khadakwasala,)

Pune R/at. Followers Quarter)

No.12/6, N.D.A. Khadakwasala,)

Pune 23.)

5. Shri Siddharth Laxman Gotarne,)
worked as Clerk under the)
Commandant, National Defence)
Academy, Khadakwasala, Pune)
R/at. Uttam Nagar, Behind)
Manisha Theatre, Pune 411023.)

6. Shri Baban Balasaheb Kamble)
worked as Salesman in Cadet's)
Cafeteria under the Commandant)
National Defence Academy,)
Khadakwasala, Pune)
R/at. Thukaram More Chawli,)
Uttamnagar, Pune 411 023.)

7. Shri Kiran Kumar Salotagi)
working as Cook, under the)
Commandant, National Defence)
Academy, Khadakwasala, Pune)
R/at. Staff Quarters, Officers)
Mess, N.D.A. Khadakwasala,)
Pune 23.)

..Applicant

Versus

1. The Union of India,)
through the Secretary,)
Ministry of Defence,)
South Block, New Delhi.)

2. The Commandant,)
National Defence Academy)
Khadakwasala,)
Pune 23.)

..Respondents

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO. 594 OF 1998

DISTRICT : PUNE

1. Rajkumar Baban More,

Age about 29 years, Occu. Nil,
 Residing at and Post Kopare,
 Taluka Haveli, District Pune.

2. Kisan Rambhau More,

Age about 29 years, Occu. Nil,
 Residing at and Post Nanded,
 Taluka Haveli, District Pune.

3. Sanjay Laxman Dhavade,

Age about 28 yrs, Occu. Nil,
 Residing at and Post
 Kondhve Dhavade, N.D.A.
 Khadakvasla, Pune 411023.

APPLICANTS

4. Baban Tukaram Ghosale,

Age about Adult, Occu. Nil,
 At & Post Uttagannagar, N.D.A.
 Khadakvasla, Pune 411023.

5. Dnyanoba Narayan More,

Age Adult, Occu. Nil,
 Residing at & Post Kopre,
 Taluka Haveli, District Pune.

6. Vijay Dashrath Gaikwad,

Age about 30 yrs, Occu. Nil,
 Residing at & post Kopre,
 Taluka Haveli, District Pune.

7. Babu Jijaba Shitkal,
 Age about 32 yrs, Occu. Nil,
 Residing at & post Kopre,
 Taluka Haveli, District Pune.

8. V. Ponnaganti,
 Age about 30 years, Occu. Nil,
 Residing at Dhavade Chawl,
 Kondhhave-Dhavade, N.D.A.
 Khadakvasla, Pune 411023.

9. Krishna Nivrutti Dhavade,
 Age about 27 yrs, Occu. Nil,
 Residing at Uttamnagar, Tal.
 Haveli, N.D.A. Khadakvasla,
 Pune 411023.

10. Anil Kisan Wayadande,
 Age about 28 yrs, Occu. Nil,
 Residing at & Post Shivane,
 Taluka Haveli, District Pune
 Pune 411023.

11. Ramdas Laxman Pilane.
 Age about 34 yrs, Occu. Nil,
 Residing at Uttamnagar,
 Tal.Haveli, District Pune.

12. Bharat Dagadu Chavan,
 Age about 29 yrs, Occu. Nil.
 Residing at & Post
 Kondhave-Dhavade, Tal.Haveli,
 District Pune, Pune 411023.

APPLICANTS

13. Bhausaheb Bansi Patole,
 Age about 29 yrs, Occu. Nil,
 Residing at Kondhave-Dhavade,
 Tal.Havelik District Pune.

14. Ramnath Maruti Kolage,
 Age about 35 yrs, Occu. Nil,
 Residing at & Post
 Kondhave-Dhavade, Tal.Haveli,
 District Pune.

15. Popat Nathuram Dhavade,
 Age Adult, Occupation Nil.
 Residing at & Post
 Kondhave-Dhavade, Tal. Haveli,
 District Pune.

16. Ramdas Ganpat Khirid,
 Age Adult, Occupation Nil,
 Residing at Gorhe Bk. Post
 Donaje, Taluka Haveli,
 District Pune.

17. Dilaram Tangalram Yadav,
 Age about 36 yrs, Occu. Nil.
 Residing at Uttamnagar,
 N.D.A.,Khadakvasla,Pune 411023

18. Tanaji Shankar Chavan,
 Age about 32 yrs, Occu. Nil.
 Residing at New Kopre, Post
 N.D.A.,Khadakvasla, Pune 411023.

19. Sunil Shankar Nangude,
 Age about 28 yrs, Occu. Nil
 Residing at Gorhe Bd. Post
 Donaje, Tal.Haveli, District
 Pune.

APPLICANTS

20. Hanumant Balasaheb Manjare,
Age about 25 yrs, Occu. N.D.A.
Residing at & Post Kuđe
Taluka Haveli, District Pune.

21. Vyankateshwai Kitwallu
Muttuamshetty.
Age about Adult, Occu.
Residing At & Post Utta
Paraje Chawl, Pune 4110

22. Fulchand Ismail Kamble.
Age about 32 yrs, Occu.
Residing At & Post Utta
NDA, Khadakvasla, Pune 4110

23. Tanaji Sopan Rokade
Age about 28 yrs, Occu.
Residing At & Post Nand
Taluka Haveli, Distt.Pune

24. Suram Halu Kindre,
Age about 33 yrs, Occu.
Residing At & Post Utta
NDA Khadakvasla, Pune 4110

25. Ashok Shankar Shelar.
Age about 28 yrs, Occu.
Residing at & Post Utta
NDA Khadakvasla, Pune 4110

26. Dinesh Dagade Sartape
Age about 36 yrs, Occu.
Residing at New Shivane,
Taluka Haveli, District

APPLICANTS

27. **Manraj Kisan Pardeshi**
Age about 34 yrs, Occu. Nil.
Residing at 224, Kolsa Galli,
M.G.Road, Pune 411001.

28. **Satish Laxman Kharade**
Age about 34 yrs, Occu. Nil.
Residing at Uttamnagar,
NDA, Khadakvasla, Pune 411023.

29. **Gopalsing Jetharam Arya,**
Age about 28 yrs, Occu. Nil.
Residing at ~~2~~ Gol Market
NDA, Khadakvasla, Pune 411023.

30. **Dilip Baloba Landge.**
Age about 29 yrs, Occu. Nil.
Residing at and Post Kopre,
~~Kandharwadi~~ Tal. Haveli,
District Pune.

31. **Mallappa Dhondiba Bhorkade**
Age about 32 yrs, Occu. Nil.
Residing at and Post
Konkhave-Dhavade, Tal. Haveli,
District Pune.

32. **Ramchandra Vishnu Khirid.**
Age about Adult, Occu. Nil.
Residing at & Post Ahire,
Taluka Haveli, District Pune.

33. **Dnyaneshwar Wadhu Mahale**
Age about 32 yrs, Occu. Nil.
Residing at Bhugaon, Taluka
Haveli, District Pune.

APPLICANTS

34. Miss Philomena Samual Dominic

Age Adult, Occupation Nil,

Residing at 382, Uttamnagar,

Khadakvasla, NDA Pune 411023

35. Rajendra Bausaheb Mandge,

Age about 26 yrs. Occu. Nil

Residing at Kondhve-Dhavade

Taluka Haveli, District Pune

36. George Stiphen Mangal

Age About 34 yrs, Occu. Nil.

Residing Officers Mess,

Servants Quarters, NDA

Khadakvasla, Pune 411023.

37. Kiran Narayan Korade,

Age about 34 yrs, Occu. Nil

Residing at and Post Nanded

Taluka Haveli, Distt. Pune.

38. Rohidas Sopan Wanjale

Age about 26 years, Occu. Nil

Residing at New Ahire,

Taluka Haveli, District Pune.

39. Ashok Sattu Wanjale,

Age about 28 yrs. Occu. Nil

Residing at New Ahire,

Taluka Haveli, Distt. Pune.

40. Sawalaram Govind Nandgaonkar,

Age Adult, Occupation Nil.

Residing at Kondhave-Dhavade,

Taluka Haveli, District Pune

41. Ashok Kanojia,

Age about 26 yrs. Occu. Nil

Residing at Uttamnagar, NDA

APPLICANTS

Khadakvasla, Pune 411023.

42. Mohammad Sikandar,
Age Adult, Occupation Nil
Residing at H.No.293,
Uttamnagar, NDA Khadkvasla,
Pune 411023.

43. Dilipkumar Mangilal Pardeshi
Age Adult, Occupation Nil.
Residing at NDA Followers Lane,
NDA Khadkvasla, Pune 411023.

44. Minu Ahmed Jallaluddin, APPLICANTS
Age about 26 yrs. Occu. Nil.
Residing at H.No.387,
Uttamnagar, NDA Khadakvasla
Pune 411023.

45. Rajendra Narayan Gaikwad
Age about 30 yrs.Occu. Nil
Residing at Kondhve-Dhavade,
Taluka Haveli, District Pune.

46. Rajendra Gulab Shedage,
Age about 29 yrs.Occu. Nil.
Residing at and Post Nanded
Tal.Haveli, District Pune

47. Sunil Prabhakar Wanjale.
Age about 33 yrs.Occu. Nil.
Residing at and Post Ahire,
Taluka Haveli, District Pune.

48. Anna Bhau Sonar
Age Adult, Occupation Ni~~l~~.
Residing at D/8/60, N.A.D.
Khadakvasla, Pune 411023.

34. Miss Philomena Samual Dominic

Age Adult, Occupation Nil,
Residing at 382, Uttamnagar,
Khadakvasla, NDA Pune 411023

35. Rajendra Bhausaheb Mandge,

Age about 26 yrs. Occu. Nil
Residing at Kondhve-Dhavade
Taluka Haveli, District Pune

36. George Stiphen Mangal

Age About 34 yrs, Occu. Nil.
Residing Officers Mess,
Servants Quarters, NDA
Khadakvasla, Pune 411023.

37. Kiran Narayan Korade,

Age about 34 yrs, Occu. Nil
Residing at and Post Nanded
Taluka Haveli, Distt. Pune.

38. Rohidas Sopan Wanjale

Age about 26 years, Occu. Nil
Residing at New Ahire,
Taluka Haveli, District Pune.

39. Ashok Sattu Wanjale,

Age about 28 yrs. Occu. Nil
Residing at New Ahire,
Taluka Haveli, Distt. Pune.

40. Sawalaram Govind Nandgaonkar,

Age Adult, Occupation Nil.
Residing at Kondhave-Dhavade,
Taluka Haveli, District Pune

41. Ashok Kanojia,

Age about 26 yrs. Occu. Nil
Residing at Uttamnagar, NDA

APPLICANTS

Khadakvasla, Pune 411023.

42. Mohammad Sikandar,
Age Adult, Occupation Nil
Residing at H.No.293,
Uttamnagar, NDA Khadkvasla,
Pune 411023.

43. Dilipkumar Mangilal Pardeshi
Age Adult, Occupation Nil.
Residing at NDA Followers Lane,
NDA Khadkvasla, Pune 411023.

44. Minu Ahmed Jallaluddin,
Age about 26 yrs. Occu. Nil.
Residing at H.No.387,
Uttamnagar, NDA Khadakvasla
Pune 411023.

45. Rajendra Narayan Gaikwad
Age about 30 yrs.Occu. Nil
Residing at Kondhve-Dhavade,
Taluka Haveli,District Pune.

46. Rajendra Gulab Shedage,
Age about 29 yrs.Occu. Nil.
Residing at and Post Nanded
Tal.Haveli, District Pune

47. Sunil Prabhakar Wanjale.
Age about 33 yrs.Occu. Nil.
Residing at and Post Ahire,
Taluka Haveli,District Pune.

48. Anna Bhau Sonar
Age Adult, Occupation Ni^b.
Residing at D/8/60,N.A.D.
Khadakvasla, Pune 411023.

APPLICANTS

49. Mrs. Shabana Khan

(Formerly Shabana Shaikh)

Age about 33 yrs. Occu. Nil.

Residing at 733, Nana Peth,

Pune 411002.

50. Ram Shankar Dhamale,

Age about 28 yrs. Occu. Nil.

Residing at Uttamnagar,

N.D.A., Khadakvasla,

Pune 411023.

51. Devidas Harischandra Dhavade

Age about 28 yrs. Occu. Nil.

Residing at Kondhave-Dhavade,

Taluka Haveli, District Pune.

52. Dinkar Baban Wanjale

Age about 32 yrs, Occu. Nil.

Residing at New Ahire, Post

NDA Khadakvasla, Pune 411023.

53. Thomas Joseph

Age about 31 yrs, Occu. Nil.

Residing at N.A.D.Khadakvasla

Pune 411023.

54. Parashuram Sadba Gaikwad

Age about 29 yrs. Occu. Nil.

Residing at Uttamnagar, Tal.

Haveli, Dist. Pune NDA Khadakvasla

PUNE 411023.

55. Vijay Baban Wanjale

Age about 28 yrs. Occu. Nil.

Residing at New Ahire, Taluka

Haveli, District Pune.

APPLICANTS

56. Gangaram Dagadu Khandge.
Age Adult, Occupation Nil.
Residing at Uttamnagar,
NDA Khadakvasla, Pune 411023.

57. Namdeo Maruti Kuditkar
Age about Adult, Occu. Nil.
Residing at and Post Nanded
Taluka Haveli, District Pune.

58. Vikas Maruti Lonare
Age Adult, Occupation Nil.
Residing at Uttamnagar,
NDA Khadakvasla, Pune 411023.

59. Edward Mathew,
Age Adult, Occupation Nil.
Residing at NCO's Quarters
N.A.D. Khadakvasla, Pune 411023

60. Ashok Tukaram Dalvi.
Age about 28 yrs. Occu. Nil.
Residing at Shivane,
Tal.Haveli, District Pune.

61. Pramod Shankar Sonawane
Age 30 yrs. Occu. Nil.
Residing at Uttamnagar, NDA
Khadakvasla, Pune 411023.

62. Ramraj Pyarelal Pardeshi
Age about Adult, Occu. Nil.
Residing at New Kopare, Post
NDA, Khadakvasla Pune 411023

APPLICANTS

63. Baban Balu More,
Age Adult, Occupation Nil
Residing at Kopare,
Taluka Haveli, District Pune.
Post NDA Khadakvasla, Pune-23.

64. Ramchandra Sattu Wanjale
Age about 26 yrs. Occu. Nil.
Residing at Uttamnagar,
NDA Khadakvasla, Pune 411023.

65. Suresh Nivrutti Mokashi
Age about 27 yrs. Occu. Nil.
Residing at Uttamnagar
NDA, Khadakvasla, Pune 411023.

66. Ramesh Pandurang Mokashi.
Age about 24 yrs. Occu. Nil
Residing at Kondhave-Dhavade
Post NDA, Khadakvasla,
Pune 411023.

67. Dilip Gangaram Jawalkar
Age Adult, Occu. Nil.
Residing at Uttamnagar,
Post NDA, Khadakvasla,
Pune 411023.

68. Anil Ramsingh Pardeshi.
Age about 29 yrs. Occu. Nil.
Residing at Uttamnagar, Post
NDA, Khadakvasla, Pune 411023.

69. V.R.Kanojia,
Age 29 yrs. Occu. Nil.
Residing at NDA, Khadakvasla
Pune 411023.

APPLICANTS

70. Vishnu Balaji Palande
Age Adult, Occupation Nil.
Residing at Uttamnagar, Post
NDA, Khadakvasla, Pune 411023.

71. Dilip Tukaram Gaikwad
Age Adult, Occupation Nil.
Residing at New Kopare,
Taluka Haveli, Distt. Pune.

72. Shaikh Shabbir Ahmed.
Age Adult, Occupation Nil.
Residing at H.No.137,
Uttamnagar, Post NDA
Khadakvasla, Pune 411023.

73. James Robert,
Age Adult, Occupation Nil.
Residing at D.2/38, N.D.A.
Khadakvasla, Pune 411023.

74. Suresh Govind Malusare.
Age 29 yrs. Occupation Nil.
Residing at Warje Malwadi,
Tagade Chawl, Pune 411023.

75. Rohidas Shripati Balage.
Age about 32 yrs. Occu. Nil.
Residing at & Post Ahire,
Tal. Ahire, District Pune.

76. Harsh Mohan Rajaram Arya
Age Adult, Occu. Nil.
Residing at Dudhane Chawl,
Uttamnagar, Post NDA,
Khadakvasla, Pune 411023.

APPLICANTS

77. Mushtaque Ahmed Shaikh,
Age about 31 yrs. Occu. Nil.
Residing at Mohommadwadi Road,
Sayyadnagar, Hadapsar,
Pune 411028.

78. Shakuntala Itwari Balmiki
Age Adult, Occupation Nil.
Residing at 49/6 Followers
Lane, NDA, Khadakvasla,
Pune 411023.

79. Anna Ramchandra Kemuskar,
Age about 33 yrs. Occu. Nil,
Residing at and Post Kopare
Taluka Haveli, District Pune.

80. Dilshad Ahmed Choudhari
Age Adult, Occupation Nil.
Residing at Uttamnagar, Post
NDA, Khadakvasla, Pune 411023.

81. ~~Dilshad~~ Desh Raj Rathor
Age Adult, Occupation Nil.
Residing at F/Q No.30/10, NDA
Khadakvasla, Pune 411023.

82 Sanjay Shankar Bhingardive.
Age Adult, Occupation Nil.
Residing at Followers Quarters
N.D.A., Khadakvasla, Pune-411023

83. Maqbul Sayyad.
Age Adult, Occupation Nil.
Residing at Uttamnagar, Post
NDA, Khadakvasla, Pune 411023.

APPLICANTS

84. Ganesh Ramchandra Sarpatil,
Age Adult, Occupation Nil.
Residing at Kondhave-Dhavade,
Taluka Haveli, District Pune.

85. Anthony Dhondiram Shinde.
Age Adult, Occupation Nil.
Residing at and Post Kopare
Taluka Haveli, District Pune.

86. Balasaheb Haribhau Sarpatil.
Age Adult, Occupation Nil.
Residing at Kondhave-Dhavade
Taluka Haveli, District Pune.

87. Jagannath Ramdhan Yadav
Age about 30 yrs. Occu. Nil.
Residing at Followers Lane,
N.D.A., Khadakvasla, Pune 411023.

88. Jagdish Damu Sonawane.
Age about 29 yrs. Occu. Nil.
Residing at & Post Kirkatwadi
Taluka Haveli, District Pune.

89. Bharat Gulab Hagawane.
Age Adult, Occupation Nil.
Residing at & Post Kirkatwadi
Taluka Haveli, District Pune.

90. Kalidas Baban Mane
Age about 31 yrs. Occu. Nil.
Residing at & Post Kirkatwadi
Taluka Haveli, District Pune.

91. Dattatraya Kanhu Dhavade.
Age ~~approx~~ 26 yrs. Occu. Nil.
Residing at Uttamnagar, Post
NDA, Khadakvasla, Pune 411023.

APPLICANT

92. Dattatraya Narayan Tonde,
Age about 30 years, Occu.Nil
Residing at Uttamnagar, Post
NDA, Khadakvasla, Pune 411023.

93. Murlidhar Parvattrao More,
Age Adult, Occupation Nil,
Residing at New Kopare,
Taluka Haveli, Dist. Pune.

94. Gautam Waman Sonawane
Age 32 years, Occu. Nil.
Residing at Kirkatwadi, At &
Post NDA, Khadakvasla,
Pune 411023.

95. Raghunath Dagadu Chavan,
Age Adult, Occupation Nil,
Residing at Kondhave-Dhavade
Tal. Haveli, District Pune.

96. Rajesh Harising Manothia
Age about 26 years, Occu. Nil
Residing at NDA Khadakvasla
Pune 411023.

97. Emmanuel E. Sammual,
Age 29 years, Occu. Nil
Residing at Officers' Mess,
NDA, Khadakvasla,
Pune 411023.

98. Maruti Dharba Tanpure,
Age adult, Occupation Nil,
Residing at Mandvi Khurd,
Taluka Haveli, Distt. Pune.

99. Haribhau Maruti Dhavade
Age about 27 years, Occu. Nil
Residing at Uttamnagar,
near Sanjivani Hospital,
Pune 411023.

100. John Wilson,
Age Adult, Occupation Nil. 105/-
Residing at Uttamnagar, Near
Manish Theatre, Taluka Haveli,
District Pune.

APPLICANTS.

101) Ramdas Vitthal Wanjale,
Age about 35 years,
Occupation Nil,
Residing at & Post NDA
Khadakvasla, Pune 411023.

102) David Swamy,
Age 43 years, Occu. Nil.
Residing at N.D.A.
Khadakvasla, Village
Kondhave-Dhavade,
Pune 411023.

APPLICANTS.

103. Ramdaur Dayaram Bharadwaj
Age Adult, Occu. Nil,
Residing at village
Kondhave-Dhavade,
Bhairavnathnagar, Post
Khadakvasla, Pune 411023.

Vs

1. Union of India,
through the Secretary,
Ministry of Defence,
South Block,
New Delhi 110001.

RESPONDENTS

2. National Defence Academy,
through the Commandant
P.O.Khadakvasla,
Pune 411023.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

ORIGINAL APPLICATION NO. 595 OF 1998

DISTRICT : PUNE

1) Balkrishna Vasant Khirid,
Age 27 years, Occu. Nil,
residing at NDA,
Khadakvasla, Pune 411023.

2) Dinkar Bhujaba Thombe,
Age 31 yrs, Occu. Nil,
Residing at Uttamnagar,
Taluka Haveli, District Pune.

3) Prakash Shamrao Desai,
Age 30 yrs, Occu. Nil.
Residing at C/o 42/4
Followers line, N.D.A.
Khadakvasla, Pune 411023.

4) Rajendra Dattatraya Takke APPLICANTS
Age about 27 yrs, Occu. Nil.
Residing at & Post Shivane
Taluka Haveli, District Pune.

5) Raju Ramchandra Takke.
Age about 32 yrs, Occu. Nil.
Residing at & Post New Kopare
Taluka Haveli, District Pune.

6) Vikas Pandit Sawant,
Age about 25 yrs, Occu. Nil
Residing at Kondhve-Dhavade
Bhimnagar, Taluka Haveli,
District Pune.

RECEIVED ON
10/11/1998

7. Anthony Toras Masih

Age about 28 yrs, Occu. Nil.

Residing at ~~Kundhavade-Bhavade~~

Uttamnagar, near Manish

Theatre, Pune 411023.

8. Bandu Tukaram Mankar

Age about 28, Occu. Nil

Residing at & Post Sangrun

Taluka Haveli, Dist. Pune.

9. Maruti Arjun Chandikar

Age about 24 yrs, Occu. Nil

Residing at & Post Kondhave-

-Dhavade, Tal. Haveli,

District Pune.

10. Kaluram Laxman Dhavade

Age about 30 yrs, Occu. Nil

Residing at & Post Kondhave-

-Dhavade, Taluka Haveli

District Pune.

APPLICANTS

11. S.S. Budhavale

Age 26 yrs, Occu. Nil.

Residing at & Post Kondhave-

-Dhavade, Taluka Haveli,

District Pune.

12. Raju Bandu Nanavare

Age Adult, Occu. Nil.

Residing at Uttamnagar,

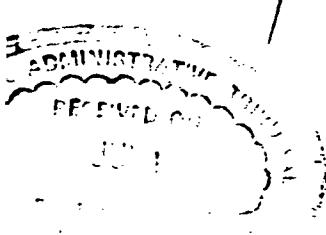
Taluka Haveli, District Pune

13. Laxmikant Chandrappa ~~Malkheda~~

Malkhedkar, Age 36, Occu. Nil.

Residing at Uttamnagar, Tal.

Haveli, District Pune.



18) Vitthal Tukaram Jadhav

Age 23 yrs, Occu. Nil.

Residing at & Post Shivane

Taluka Haveli, Dist. Pune.

15) Mohan Mahadu Shelke

Age about 24 yrs, Occu. Nil.

Residing at Uttamnagar,

near Valmiki Mandir, Tal.

Haveli, District Pune.

16) Somaji Namdeo Hande

Age about 26 yrs, Occu. Nil.

Residing at & Post New Kopare APPLICANTS

Taluka Haveli, Dist. Pune

17) Sarvajit Singh

Age about 28 yrs, Occu. Nil.

Residing at Followers Line

Quarter No.18/5, NDA

Khadakvasla, Pune 411023.

18) Maruti Baloba Landge.

Age about 26 yrs, Occu. Nil.

Residing at & Post Kopare

Taluka Haveli, Dist. Pune.

19) Kanta Baban Bhagat

Age 21 yrs, Occu. Nil.

Residing at & Post Shivane

Taluka Haveli, Distt. Pune.

20) ~~Omkar Ramchandra Sapatnekar~~

20) Rohidas Krishna Mokashi

Age 30 yrs, Occu. Nil.

Residing at & Post Kondhave

-Dhavade, Post NDA.

Khadakvasla, Pune 411023.

Versus

- 1) Union of India,
through the Secretary,
Ministry of Defence,
South Block, New Delhi
Pin 110011.
- 2) National Defence Academy
through the Commandant,
Khadakwasla,
Pune 411023.

RESPONDENTS

DETAILS OF APPOINTMENT

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

C.P. No. 23/2000 in OA. NO. 594/98 &
C.P. No. 22/2000 in OA. NO. 595/98.

Dated this the 18th day of April 2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)
Hon'ble Smt. Shanta Shastry, Member (A)

R.B. More & Ors. & Sh B.N. Khindke & Ors. - Applicants
By Advocate Shri Avinash Shivade

V/S.

1. Lt. Gen. B.S. Kochar,
The Commandant,
National Defence Academy,
P.O. Khadakvasla, Pune.

2. Col. R. Roy,
Col. Adminn.,
P.O. Khadakvasla, Pune.

3. B.S. Sonawane,
Personnel Officer,
P.O. Khadakvasla,
Pune.

... Contemner/
Respondents

Tribunal's Order

The applicants in OA. Nos. 594/98 and OA. No. 595/98 have filed C.P. No. 23/2000 and 22/2000 respectively. Both the OAs. along with other OAs. were decided by a common order in OA. NO. 208/98, 458/98, 594/98, 595/98 and 1013/98 on 3.6.1999.

2. The order passed in the said OAs. Para 13 & 14 of the order which are relevant for our consideration are as under :-

"13. As brought out earlier, the respondents have contested the claim of the working of the several applicants. The respondents have indicated that since a number of applicants have been engaged in the years of seventies, eighties and nineties, there is no record available in respect of several employees. They contest that they were engaged as regimental staff. Keeping the rival contentions in focus, it is considered necessary to lay down the following direction to resolve this dispute.

- (a) In respect of the applicants where the respondents have not accepted their claim of working, the applicants would submit a representation within a period of one month from the date of receipt of the order giving the details of the engagement with documentary evidence as available with them. The respondents will then verify the claim of the applicants by associating the applicants. In case the claim of the applicants is found acceptable based on the details furnished by the applicants, such of the applicants would be included in the seniority list to be prepared as directed subsequently. In case the claim is not established, the concerned applicants will be replied through a speaking order within four months after the receipt of the representation.
- (b) In respect of applicants, the respondents contend that they were engaged as regimental staff, such of the applicants will also make a representation within one month of the receipt of the order giving details along with documentary evidence. Here also the joint inspection of the record will be done to establish their claim. In case it is established that they were paid out of regimental funds, such of the applicants will not have any claim for regularisation keeping in view what is held by the Hon'ble Supreme Court in the case of Union of India and Others vs. Chatelal & Ors. - 1999 SCC (L&S) 332. In respect of such applicants, the respondents will reply to the representations through a speaking order within four months after the receipt of the representation.

14. In the result of the above discussion, all the OAs. are allowed with the following directions :

- (a) The respondents will prepare the seniority list of the applicants alongwith the other casual labourers who had been engaged earlier or at present being engaged for consideration for regularisation against the Group 'D' vacancies based on the date of engagement and length of service.
- (b) The regularisation of the applicants along with others as per the seniority list to be prepared as indicated in (a) above will be done if found eligible in terms of the scheme as laid down as per O.M.s dated 10.9.1993 and 7.6.1998 by the Department of Personnel & Training against the existing and future vacancies when the respondents decide to fill up the vacancies keeping in view the ban imposed. The applicants along with other casual labourers will be regularised against vacancies as per the quota laid down in the O.M. dated 10.9.1993 before going to open market for recruitment to fill up the vacancies.
- (c) The applicants shall be allowed relaxation of age as provided in the O.M. dated 6.6.1988 in case the applicants were engaged within the age limit at the initial engagement.
- (d) The seniority list as indicated in (a) shall be prepared by the respondents within a period of six months from the date of receipt of the order and the same will be notified.
- (e) In respect of the applicants where the respondents have not accepted the claim of being engaged against leave vacancies or had been engaged as Regiment employee, directions as detailed in para 13 will be followed.
- (f) In the circumstances of the case, there will be no order as to costs."

3. The grievance of the applicants is that according to the said directions, the respondents ought to have prepared seniority list of the applicants according to the directions issued by this Hon'ble Tribunal. The respondents were also bound to notify the seniority list.

The respondents have failed to comply with the directions of this Tribunal. The respondents should have notified the list by the end of December, such list has not been notified so far. None of the applicants have been appointed till this date. The applicants served a notice dated 23.2.2000 through their Advocate upon the respondents to comply with the order which was received by the respondents but the respondents failed to comply with the same. The respondents are deliberately violating the orders passed by the Tribunal. Hence, this contempt petition.

4. In C.P.No.23/2000 in OA.NO.594/98 the respondents submitted the reply to the effect that applicants at Sr. No. 25,39,51,52,54,63,64,67,75,86 and 98 and

In C.P.No. 22/2000 in OA.NO.595/98 applicants at Sr.No. 16 & 19 are those persons who are clearly covered by the directions of this Tribunal in para 13 of this judgement.

5. The respondents have stated in their reply that in the entire list as made out by them (Ex.CPR-II) only two persons are in a position to fall under the purview of regularisation of their service, i.e. Shri V.Ram and Smt.N. Sathidevi. We have carefully perused the names of the applicants in both the OAs. (OA.No.594/98 & 595/98) and we do not find the names of the said persons as applicants. Hence, we restrain ourselves from deciding any point in respect of Shri Khuliram and Smt.N.Sathidevi.

6. In respect of persons mentioned in para 4 of this order, the respondents have submitted that on receipt of representation, the respondents have sent them speaking orders explaining as to how they are not entitled to be part of seniority list as directed by this Tribunal in para 14 of the order.

7. Regarding other applicants, it is stated that the directions as set out by the Tribunal in para 14 of the order have been completely followed by preparing a seniority list (Exh.CPR-1), it is also alleged that purely temporary employment of all employees and also such persons who had applied in response to judgement are covered in Exh.CPR-2. The respondents claim that for preparation of the seniority list, they have followed O.M. of Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Deptt. of Personnel & Training dated 26.7.1979, Exh.CPR-3, O.M. of Govt. of India, Ministry of Personnel & Training No.49014/86/Estt(C), dated 7.6.1988 Exh.CPR-4 and Govt. of India, Ministry of Personnel, Public Grievances & Pensions O.M.No.51016/2/90-Estt(C) dated 10.9.1993. It is further explained that directions for regularisation could have come into play only on the relaxation of the ban imposed upon recruitment which is still in force. The directions which remained to be complied with regarding preparation of seniority list and sending of orders upon representations have been duly complied with. It is further stated that after relaxation on ban, the question of regularisation subject to fulfilment of the requirement of eligible persons will come into play resulting ⁱⁿ contempt petition

being premature. Hence, prayed for dismissal of contempt petition.

8. The applicants in C.P.No.22/2000 have filed the rejoinder alleging that the order is not complied with within six months, the respondents have included names of various employees in the list who are either already employed or dead. The list of the persons is also mentioned in the rejoinder. It is further stated that the list is not complete one. It is also claimed that they have worked on regular posts and not on the post of a seasonal nature. One Sikandar Popat Shaikh had filed a dispute under Industrial Disputes Act in the Industrial Tribunal and the respondents have contended therein that NDA was not an industry. A finding was also recorded accordingly which was challenged in the High Court of Judicature at Bombay and the said finding was upheld. It is alleged that if the Industrial Court was of the view that NDA was not an industry, it could not have gone into merits as to whether employees have worked for 240 days or not. Suffice to state that this Tribunal is not an appellate authority or a revisional authority to consider the finding of the Industrial Tribunal or the High Court of Judicature at Bombay.

9. The applicants contended ^{that} the O.Ms. on the basis of which the respondents have arrived to a finding does not apply to the present case and the order passed by the

Tribunal is rendered ineffective. We have clearly perused the order passed by the Tribunal and are of considered opinion that the respondents have considered the directions in a manner required by law. However, if the applicants are aggrieved, this is not a matter to be decided in contempt petition and the applicants are at liberty to agitate the matter by filing a separate OA. as laid down in case of J.S. Parihar's case.

10. It is further stated that the contention of the respondents that there being a ban on the recruitment is not correct for the reasons that before the Bombay High Court in petition filed by one leave vacancy worker Ananda Kamble, the respondents have themselves stated that there is no ban on recruitment. Neither the affidavit filed by the respondents is brought on record nor finding of the High Court is placed^{on record.} Such vague defences holds no ground to arrive to a finding.

11. It is further stated in the rejoinder that during the period 1996 to 1998 the respondents have appointed so many workers from time to time suggesting that there was no ban. We are not in agreement with the contention raised because right of the applicants comes into existence only after pronouncement of the order passed in the OA., i.e. 3.6.1999. There exists a ban on appointments.

12. We do not find any wilful disobedience of the order by the alleged contemners/respondents. Hence, contempt petitions deserve to be dismissed and are dismissed. Notices issued to the respondents/alleged contemners stands discharged. No order as to costs.

CAT/MUM/JUDL/O.A. 594 & 595/98/

dated

copy to

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S.O.

AI 181410
document despatched
to Applicant/Respondent(s)
on 27/4/10
(O.C. in OA 594/98)
RS 415