

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINIPAL BENCH, NEW DELHI.

OA-424/2003

with

OA-425/2003

New Delhi this the 12th day of April, 2004.

Hon'ble Sh. Shanker Raju, Member(J)

Hon'ble Sh. R.K. Upadhyaya, Member(A)

OA-424/2003

Sh. Rajinder,
H.No.58/141 Moudeline,
Air Force Station,
Palam.

.... Applicant

(through Ms. Swaphalekha K.T., prroxy for Ms.Prasanthi Prasad, Advocate)

Versus

1. Union of India represented
by Secretary Ministry of Defence,
South Block, New Delhi.

2. Chief of Air Staff,
Vayu Bhawan,
New Delhi.

3. Air Force Commandinng,
Air Force Station, Palam,
Delhi Cantt, New Delhi.

4. Officer Incharge,
Central Administration Office,
A.F. Station Palam.

.... Respondents

(through Sh. M.K. Bhardwaj, proxy for Sh. A.K. Bhardwaj, Advocate)

OA-425/2003

1. S. Vikas,
H.No.92, Sari Sohal,
Mangla Puri.

2. Sh. Pappu,
H.No.138,
Nangal Rai,
Tugar Ram Bagh.

..... Applicants

(through Ms. Swaphalekha K.T., prroxy for Ms.Prasanthi Prasad, Advocate)

Versus

1. Union of India represented
by Secretary Ministry of Defence,
South Block, New Delhi.

2. Chief of Air Staff,
Vayu Bhawan,
New Delhi.
 3. Air Force Commanding,
Air Force Station, Palam,
Delhi Cantt, New Delhi.
 4. Officer Incharge,
Central Administration Office,
A.F. Station Palam. Respondents
- (through Sh. M.K. Bhardwaj, proxy for Sh. A.K.
Bhardwaj, Advocate)

ORDER (ORAL)
Hon'ble Sh. Shanker Raju, Member(J)

As the facts and question of law in both the O.As are identical, these are being disposed of by a common order.

2. In OA-424/2003, applicant is employed as Gatekeeper at Palam Cinema Hall which is stated to be managed by Officer Incharge, Central Administration Office, Air Force Station, Palam. According to the pleadings the identity card is issued to the applicant and the applicant had been working uninterruptedly. The Cinema Hall is in control and supervision of Air Force Commanding. Applicant also contended that regular increments are being granted to him at regular intervals and was issued temporary monthly pass as issued to the civilians as they are fully eligible for regularisation to Group-D post and there is vacancy of Gatekeeper, his claim is yet to be considered by the respondents. He seeks setting aside of proposed termination and he is entitled for regularisation.

3. In OA 425/2003, applicants are employed as Safaiwalas at Palam Cinema Hall, Air Force Station Palam, New Delhi and had been continuously working since 1999-2000. They also assail their proposed termination and seek regularisation.

4. Common grounds taken are that as the applicants had worked for number of years and are under the employment at Cinema Hall which is owned and controlled by respondents who supervise their services, their proposed termination is in violation of Articles 14 & 16 of the Constitution of India.

5. It is contended that the job is of perennial nature and they are fully eligible for being regularised as Group-D.

6. Respondents despite notice and grant of several opportunities have failed to file their reply. Their right to file reply stands forfeited. However, learned proxy counsel has been heard.

7. In view of the fact that the pleadings in OA are not rebutted or controverted, the same are deemed to be accepted.

8. One of the contention put forth by the respondents is that in the absence of the documents attached regarding working period of the applicants and the nature of their employment the identity card issued is not a valid proof of their services.

9. Be that as it may, as the contentions raised are not specifically denied, OAs stand disposed of with a direction to the respondents to verify the claim of the applicants in so far as their working under the supervision of the respondents for number of years and thereafter consider their claim for regularisation within a period of 3 months from the date of receipt of a copy of this order subject to their eligibility & rules. However, we make it clear that till then status quo as on date of filing of the O.A. regarding continuance of the applicants shall be maintained.

10. A copy of this order be placed in both the files.

(R.K. Upadhyaya)
Member(A)

S. Raju
(Shanker Raju)
Member(J)

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