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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO.1943/2002

This the 22 day of November, 2002.

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

1. Canteen Mazdoor Sabha Regn. No.2542 through Working President Shri S.P.Khugshai, P.132, Sector 4, Pushp Vihar, New Delhi-110017.
2. Shri Pratap Singh Negi, C/O M/O Finance Departmental Canteen, North Block, New Delhi-110001. Applicants

(By Ms. Geetanjali Goel, Advocate)

-versus-

1. Union of India through Secretary, Ministry of Personnel, Public Grievances & Pensions, D/O Personnel & Training, North Block, New Delhi-110001.
2. Union of India through Secretary, Ministry of Finance, North Block, New Delhi-110001. Respondents

(By Shri Madhav Panikar, Advocate)

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

Applicants have challenged respondents' order dated 21.1.2002 (Annexure A-1) passed in pursuance of order dated 23.10.2001 of this Tribunal in OA No.273/2001. In OA No.273/2001, applicants had stated that DOP&T vide their O.M. dated 5.11.1998 had clarified that it was only meant for placing demands of winter livery items of canteen staff with the NTC but as regards the entitlement of winter uniforms to the canteen employees there was no change in the provisions made earlier in O.M. dated 29.11.1995. It was claimed that in the matter of C.K.Jha

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& Ors. v. Union of India & Ors., the Hon'ble Supreme Court had held that canteen employees of the non-statutory departmental canteens had to be treated as Central Government servants and they were entitled to all benefits which a Central Government servant is normally entitled to. That OA was disposed of with the following observations/directions :

"8. On perusal of Annexure-4 dated 15.6.90 and Annexure-5 dated 29.11.95 we find that the respondents have not considered at all the issue of pattern for provision of uniform/livery items to the canteen employees after the Supreme Court had given their decision in the matter of C.K.Jha (supra). Clearly the respondents have not taken any policy decision in terms of the Supreme Court judgement regarding the pattern for provision of uniform/livery items for canteen employees. It is imperative, therefore in the interest of justice to call upon the respondents to consider the issue of pattern for provision of uniform/livery items to canteen employees considering the status accorded to them by the Hon'ble Supreme Court vide their order dated 11.10.91. The respondents shall pass orders in the above terms within a period of 2 months from the date of communication of these orders."

2. The learned counsel of applicants stated that respondents have not made any provision for winter uniforms in the impugned order which is contrary to the orders of the Tribunal and discriminatory. The learned counsel of respondents stated that the pattern and scale (quantity entitlement) of uniforms supplied to the government employees have to be essentially in accordance with the functional requirements of their job and their service conditions. Since the duties, responsibilities and service conditions of canteen employees are quite

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different from those prevailing in the case of other group "C" and "D" employees working in the Central Secretariat, the pattern and scale of uniforms in the case of canteen employees has to be different than those of Central Government group "C" and "D" employees.

3. We are not satisfied with the reasoning provided by respondents for non-provision of the same pattern and scale of uniforms for the canteen employees as made applicable to group "C" and "D" employees of the Central Government. The learned counsel of respondents stated that the canteen employees have to be in white clothes and as such in view of the functional requirements, provision for jersey has been made but not for woolen coat and pant for the canteen staff. It is not understandable why during winters canteen staff cannot be provided a white woolen pant among other items. Thus, whereas woolen jersey and a terene/cotton coat (white/grey) may be authorised for the winter for canteen employees, respondents must make a provision for a woolen pant for such staff during the winter season. Provision of a woolen pant along with a jersey and a cotton/terene coat as a winter uniform for the canteen staff cannot be said to be coming in the way of functional and administrative requirements. In our view, respondents have not complied with the directions of this Court contained in order dated 23.10.2001 in OA No.273/2001 in its true spirit.

4. In our considered view, justice demands that respondents must review Annexure A-1 dated 21.1.2002

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making a provision for a woolen pant in addition to the existing winter uniform for the canteen employees.

5. The OA is allowed in the above terms. No costs.

V.K. Majotra

(V. K. Majotra)
Member (A)

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Vice-Chairman (J)

/as/