

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1640/98

New Delhi this the 13th day of April, 1999.

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

Shri K.S. Pathania,
S/o late Sh. Kartar Singh Pathania,
No.32B, New Loyalpur Extension,
Krishna Nagar,
Delhi-51. Applicant

(through Sh. S.M. Rattanpaul, advocate)

versus

1. Union of India through
Secretary to the Govt. of
India, Ministry of Defence
(Deptt. of Defence),
South Block, New Delhi.
2. The Quartermaster General,
Army Headquarters and ex-officio
Chairman Governing Body,
Army Hqs. Canteen,
Sena Bhawan,
New Delhi.
3. The Addl. Director General,
Operational Logistics (QM's Branch)
& ex-officio Chairman,
Management Committee, Army Hqs.
Canteen, Sena Bhawan,
New Delhi.
4. The Manager,
Army Hqs. Canteen,
'Q' Block, Rajaji Marg,
New Delhi. Respondents

(through Sh. G.K. Sharma, advocate)

ORDER(ORAL)

Hon'ble Shri T.N. Bhat, Member(J)

Heard the learned counsel for the parties for
final disposal of the O.A. at the admission stage
itself, as the respondents have raised a preliminary
objection regarding lack of jurisdiction.

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2. The applicant in this O.A. was working in the Unit Run Canteen at Army Headquarters, New Delhi and his services have been terminated after holding a departmental enquiry on some allegations of alleged misconduct. The applicant assails the order of the Disciplinary Authority as well as the order passed in appeal by the Appellate Authority.

3. The respondents have taken the plea that employees of the Unit Run Canteen at the Army Headquarters are not Central Government employees and, therefore, they cannot come to the Tribunal for redressal of any of the grievances relating to the conditions of their service in the Canteen. This contention of the learned counsel for the respondents is supported by the Full Bench decision of the Tribunal in Dambar Singh Rathore & Ors. Vs. Officer Commanding (Details) and Others (1997(36) ATC 440) wherein an earlier judgement of a Division Bench of the Tribunal in Rajendra Jagarwal Vs. U.O.I (1991(1) ATJ 376(Jodh) was over-ruled. Following the aforesaid judgement of the Full Bench we have also recently decided the case Shri Mani Ram Vs. U.O.I. & Ors. (OA-1564/98) on 05.04.99 and have held that employees in the Unit Run Canteen at Army Headquarters are not Central Government employees and, therefore, the Tribunal has no jurisdiction in matters relating to their conditions of service in the Canteen.

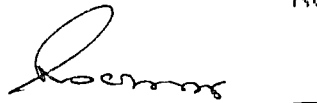
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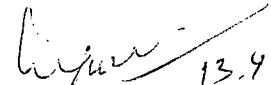
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4. Viewed as such, we must hold that in respect of the instant O.A. as well, this Tribunal has no jurisdiction.

5. In the result, this O.A. is dismissed on the ground of lack of jurisdiction.

No costs.


(S.P. Biswas)
Member(A)

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(T.N. Bhat)
Member(J)

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