

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

(B)

M.A.2265/98
O.A.2136/98

New Delhi this the 13th January, 2000.

Hon'ble Smt. Lakshmi Swaminathan, M(J)

1. Canteen Mazdoor Sabha (Regd.)
through its working President
Shri Surendra Prasad Khugsal,
548, Lodhi Road complex,
New Delhi - 110 003.

2. Shri Dukhharan Singh,
C/O C.P.W.D. Canteen,
Nirman Bhawan,
New Delhi - 110011.Applicants
(By Advocate Sh.Shyam Babu)

Verses

1. Union of India,
Through its Secretary,
Ministry of Personnel,
Public Grievances & Pensions,
North Blcok,
New Delhi-110001.

2. Secretary ,
Ministry of Finance,
Department of Expenditure,
North Block,
New Delhi - 110001.Respondents
(By Advocate Sh.Gajender Giri)

ORDER(Oral)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Heard Shri Shyam Babu, learned counsel for
the applicant and Shri Gajender Giri, learned
counsel for the respondents.

2. The present application has been filed by
the Employees of Non-Statutory Recognised Canteens
seeking relief that they are entitled to count
their regular service from the date of their

initial appointment or in any case w.e.f.

1.10.1997 for the purpose of pensionary benefits.

Shri Shyam Babu, learned counsel for the applicant has submitted that in a similar case filed by the Federation of All India Central Govt. Canteen Employees ~~VS~~ (OA-572/96) against the Secretary & Ors., decided on 3.12.99 by the C.A.T. (Principal Bench) (copy placed on record), the Tribunal had directed the respondents to grant the benefits of the entire past service prior to the applicants having been declared as Govt. employees, for counting towards ~~the~~ pensionary benefits.

3. Shri Gajender Giri, learned counsel for the respondents, has reiterated the arguments, submitted by the respondents in OA-572/96, relying on the judgment of the Hon'ble Supreme Court in C.K.Jha & Ors. Vs. UOI & Ors. (W.P. 6184-7044/83 ,CWP Nos.18828-199683 and 27174183) decided on 11.10.91. However, he fairly submits that in OA-572/96 and in the Writ Petition the same case has been argued and considered by the Hon'ble Division Bench of the Tribunal in its order dated 3.12.99. He has also submitted that this decision is final as no appeal has been filed so far in OA-572/96. The Tribunal in its order has held as follows:

"In the facts and circumstances of the case, we are inclind to grant the relief sought by the applicants. The respondents are therefore directed to grant the benefits of the entire past service piror to the applicants having been declared as Govt. servants for counting towards pensionary benefit."

18.

4. Having regard to the facts and circumstances of the present case and the submissions made by the learned counsel for the parties, it appears that the issues raised in the present case ^{1/2} ~~and~~ ^{1/2} OA-572/96 are on all fours.

5. In the result, for the reasons given above, the OA is disposed of with the following direction:-

Respondents are directed to take a decision in terms of the decision given by the Tribunal in OA-572/96 i.e. to take into account the entire past service of the applicants for purpose of counting towards pensionary benefits.

No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

RB.