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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-1537/96

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAI, CHAIRMAN
HON'BLE MR. S.P. BISWAS, MEMBER(A)

Friday, this the 20th day of December, 1996.

Shri Dinesh Chand Sharma,
S/o late Shri Puran Chand Sharma,
C/o Shri Sant Lal advocate,
C-21(B) New Multan Nagar,
Delhi-110056.

... Applicant

(through Shri Sant Lal, advocate)

versus

1. The Union of India,
through the Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhawan,
New Delhi-110001.
2. The Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan, New Delhi-1.
3. The Chief Postmaster,
Indraprastha Head Post Office,
New Delhi-2. Respondents

(through Shri M.K. Gupta, advocate)

The application having been heard on 20.12.1996 the
Tribunal on the same day delivered the following:-

ORDER

Chettur Sankaran Nair(J), Chairman

Applicant a Coupon Clerk in a departmental
canteen seeks a direction to allow him to appear in the
departmental examination for appointment of Lower Grade
Officials in the cadre of Postal and Sorting Assistants.
The eligibility criteria is enumerated (Annexure A-2).
A Coupon Clerk does not find a place in the enumerated
category. Learned counsel for applicant would say that
notwithstanding that applicant is eligible because of
A-6 order of the Government of India. That order
states:-

"Consequent upon the judgement of
the Supreme Court, it has been decided that

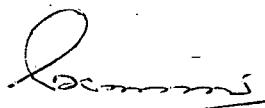
employees of Non-statutory canteens, should be treated as Government servants with effect from 1.10.1991. Employees of these canteens may be extended all benefits available to other Central government employees of comparable status."

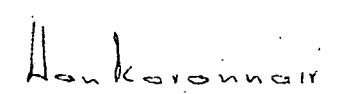
2. Applicant was such a canteen employee and by a reason of A-8 order he was treated as a Central Government employee. The only question is whether he is a person of comparable status of those enumerated in the Schedule in Annexure A-2. He is, because he is on the same pay scale of Rs.825-1200/- and he discharges similar functions. Pursuant to the decision of the highest court in the land certain benefits were granted to a class of employees and Annexure A-6 was issued for this purpose. A well known rule of interpretation is that a statute or order, should be read so as to advance the object and suppress the mischief. (See B.M. Lakshmanamurthy Vs. the Employees' State Insurance Corporation, Bangalore AIR 1974 SC 759).

3. We hold that applicant is eligible to be considered and we direct respondents to publish the result of the examination and grant an appointment to applicant if he has qualified in the examination.

4. With the aforesaid directions, we dispose of the original application. No costs.

Dated, this the 20th day of December, 1996.


(S.P. Biswas)
Member(A)


(Chettur Sankaran Nair(J))
Chairman