

Central Administrative Tribunal, Principal Bench

Original Application No.1627 of 1996

New Delhi, this the 10th day of March, 2000

Hon'ble Mr. Justice Ashok Agarwal Chairman
Hon'ble Mr. V.K. Majotra, Member (Admnv)

1. Kanchi Singh,
S/o Shri Munshi Singh,
R/o E-314, East Vinod Nagar,
Delhi.
2. Shri Rakesh Verma Prabhakar,
son of Shri R.V. Prabhakar,
R/o Minto Road, New Delhi.
3. Jagdish Prasad Jain,
son of Shri Nem Chand Jain,
R/o 545, Matola Paharganj,
New Delhi.
4. Ajodhya Prasad,
son of Shri Banka Ram,
R/o B-82, West Vinod Nagar,
Delhi.
5. Mahesh Kumar son of Sh. Prem Dass,
R/o B-46, Suraj Mal Vihar,
Delhi.
6. Kishan Singh,
son of Shri Prabhu Dayal Singh,
R/o H-165, Nagang Vihar,
Delhi.
7. Chet Singh,
son of Shri Sher Singh,
R/o 2559, Dharampura,
Delhi.
8. Shri Roop Chand,
son of Shri Darbari Ram,
R/o East Vinod Nagar, Delhi.
9. Kushal Singh son of
Shri Har Singh,
R/o S-77, Pandav Nagar,
Delhi.
10. Privithi Chand,
son of Shri Fena Ram,
R/o B-5, West Vinod Nagar,
Delhi.
11. Mahesh Chand,
son of Shri Kushal Mani,
R/o East Vinod Nagar,
Delhi.

12. Vishram Singh,
son of Shri Chattar Singh,
R/o 6510, Gandhi Nagar,
Delhi.
13. Ram Dass,
S/o Shri Nathu Ram,
R/o 51, Nijamuddin,
New Delhi.
14. Satya Singh,
S/o Shri Diwan Singh,
15, Patparganj,
Delhi-92.
15. Govind Singh,
son of Shri Inder Singh,
R/o D-372, Gali No.13,
Laxmi Nagar, Delhi.
16. Nandan Singh,
son of Shri Kamal Singh,
R/o RZF-760/11-B,
Palam Colony, Delhi-45.
17. Anand Mani,
son of Shri Ravi Dutt,
R/o 354, Kalayan Vas,
Delhi.
18. Kaku Ram,
son of Shri Kuni Lal,
R/o 154/4, Shankar Market,
New Delhi.
19. Chander Singh,
son of Shri Alam Singh,
R/o S-123, Pandav Nagar,
Delhi-92.
20. Ramesh Chand,
son of Shri Khamboo Ram,
R/o E-60, East Vinod Nagar,
Delhi.
21. Shashi Parsad,
S/o Sh. Jaya Nand,
R/o 120 DDA Quarter,
Delhi.
22. Bidhi Chand,
S/o Shri Birju Ram,
R/o 154/4, Shankar Market,
New Delhi.
23. Anand Singh,
son of Shri Trilok Singh,
R/o 4/76, Khichripur,
Delhi-91.

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24. Ram Nath,
son of Shri Dukhi Ram,
R/o 108, Yamuna Vihar,
Delhi-110053.
25. Baldev Singh,
S/o Shri Jagat Ram,
R/o 164-B, Thomson Road,
New Delhi.
26. Bishal Singh,
R/o S-136, Pandav Nagar,
Delhi.
27. Manohar Singh,
S/o Shri Jasod Singh,
R/o 144/16, Minto Bridge,
New Delhi.
28. Hira Singh,
son of Shri Jaman Singh,
R/o A-38, Soniya Vihar,
Delhi.
29. Ram Swaroop,
S/o Shri Nanak Chand,
R/o B-885, Mangolpuri,
Delhi-83.
30. Purshotam Dass,
son of Shri Bhagat Ram,
R/o Qr. No. 164/8,
Thomson Road,
Railway Colony, Delhi.
31. Ram Avtar
son of Shri Madan Lal,
R/o B-82, West Vinod Nagar,
Delhi.
32. Ram Avtar,
son of Shri Madaroo Lal,
R/o 1140, Sangam Vihar,
New Delhi.
33. Devi Dutt,
son of Shri Chander Mani,
R/o 162, DESU Colony,
Janakpuri,
Delhi.
34. Mani Pal,
son of Shri Madaroo Lal,
R/o Sangam Vihar,
New Delhi.
35. Gopal Krishan,
son of Shri Rama Nand,
R/o 1765, Gali No. 1,
Kailash Nagar, Delhi.

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36. Anand Mani,
son of Shri Bhawani Dutt,
R/o E-27, East Vinod Nagar,
Delhi.

37. Suresh Chand,
son of Shri Raj Kumar,
R/o 2559, Dharampura,
Delhi.

38. Yash Pal,
son of Shri Kiran Singh,
R/o T-2G, Subji Mandi,
Delhi.

39. Sh. Krishan Kumar,
S/o Shri Hari Chand,
B-59, Yadav Nagar,
Samaypur Badli, Delhi.

40. Smt. Uganti,
W/o Mr. Suresh Kumar,
B-102, Tigari Sangam Vihar,
Delhi.

... Applicants.

(None present)

Versus

Union of India through

1. The Secretary,
Railway Board,
Rail Bhawan,
New Delhi-110001.

2. The General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.

.... Respondents.

(None present)

O R D E R (Oral)

By Shri V.K.Majotra, Member(Admnv) -

The applicants belong to the category of employees in the Non-statutory Recognised Canteen in the Railways. They have challenged the denial of benefits of restructuring of cadres relating to Canteen Staff particularly when such restructuring has been allowed to Railway employees of C&D cadres. According to them, there is no difference inter Statutory Canteens and Non-statutory Recognised Canteens. In implementation of

various decisions of Courts in regard to the employees of Canteens, the respondents have issued instructions relating to various conditions of service of such employees on 19.11.1990 and vide Master Circular dated 29.12.1991. These employees were treated as Railway employees from 22.10.1980 and subsequently allowed to count service prior to 22.10.1980 as qualifying service for the purpose of pension and grant of Post Retirement Complementary Passes. Since the applicants' representation dated 24.6.1995 and subsequent reminders have not elicited any decision in the matter in issue, through the present O.A. they have sought directions to the respondents to extend ipso facto all the benefits and privileges accrued to Railway employees to Canteen employees, who are now treated as Railway employees and particularly the benefits of restructuring of the staff in catering Department of the Railways in the matter of grades, promotion, status, etc.

2. In the written statement, the respondents have stated that so far such staff as the applicants have been allowed the benefit of service prior to 22.10.1980 for pensionary benefits only. The service prior to 22.10.1980 of such employees does not qualify for Post Retirement Complementary Passes. The reasons for non-grant of equal treatment to these employees at par with catering staff have been assigned as follows:

(i) Difference in working/duty hours in both the category of staff;

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(ii) Catering establishments functions are on commercial basis, whereas canteens have been provided as an amenity for Railway staff under Staff Welfare Scheme;

(iii) Their grade structure and percentage distribution of posts are different than catering staff.

According to the respondents, a committee has been constituted to examine the cadre restructuring of the canteen employees, including the points raised by the applicants in their representation dated 24.6.1995.

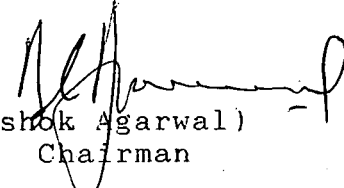
3. In their rejoinder, the applicants have prayed that the respondents should be directed to expedite the decision in the matter.

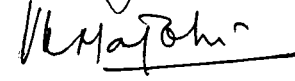
4. The question of cadre restructuring of the canteen staff, percentage distribution of posts at par with those of catering staff is a policy matter and is under examination of a sub-committee of the Railway Board. According to the respondents, these questions, including the points raised by the applicants in their representation dated 24.6.1995 are under consideration of the aforesaid committee. We are of the view that ends of justice would be met if the aforesaid committee expedites the examination of the said issues and a

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policy decision is taken by the respondents within a period of six months of the receipt of this order.

5. This O.A. is disposed of in terms of the above directions. No order as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra)
Member (Admnv)

'SRD'