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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

9.1.1989.

OA No.1631/1988.

Shri Lakhan Singh and others Applicants.
vs.

Union of India and others Respondents.

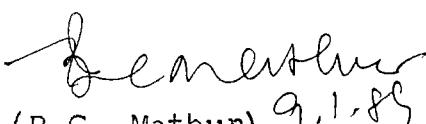
Applicants through counsel Shri G.N.Oberoi.

Shri O.N.Moolri, counsel for respondents 1
and 2. On behalf of respondent No.3 Shri
A. Siddiqui, counsel is present.

This original application has been filed by
Shri Lakhan Singh and others who claim to be employees
of staff
canteens in the Northern Railway, Delhi. The
applicants' case is that respondent No.3, Shri S.N.Misra
who is junior to them has been promoted over them,
^{There}
~~and~~ ^{has} filed the present application questioning the
order. The applicant No.1, it seems has made the
representation dated 1.7.1988 and thereafter without
waiting for the period of six months for the decision
on the representation, he has filed this original
~~on 25.8.1988.~~
application. This application is obviously premature.
It should have been filed not before the expiry of
six months. Applicants 2 and 3 had not made any
representation at all and they have not exhausted the
remedies available to them under the relevant service
rules. Apart from the above, we have been informed
by Shri O.N.Moolri, 1d. counsel for the respondents that
respondents have filed Writ Petition No.13509/83 in the

Supreme Court and the matter is ready for hearing. One of the question raised therein is whether the employees of the railway staff canteens are railway servants and are governed by the rules as applicable to the other railway staff. We have also been informed that a plea has been taken that such staff of the railway canteens are to be treated as full time Railway servants but they are not governed by the rules applicable to the other Railway staff and this question is sub-judice. However, Shri G.N.Oberei, 1d. counsel for the applicants pointed out that the Hon'ble Supreme Court itself has said that they are deemed to be, until further orders, as full time Railway servants.

We do not want to express any opinion on this matter at this stage and would only say that the matter is premature and the applicants have come up to this Tribunal without exhausting the remedies provided under the service rules. Consequently, this application is rejected on this ground alone. However, they have the liberty to come up before this Tribunal after the disposal of their representation.


(B.C. Mathur) 9.1.89
Vice-Chairman
9.1.1989.


(Amitav Banerji)
Chairman
9.1.1989.